

1 IN THE UNITED STATES DISTRICT COURT

2 FOR THE DISTRICT OF OREGON

3 UNITED STATES OF AMERICA,)
4 Plaintiff,) No. 05-60008-2-HO
5 v.) August 30, 2010
6 PIROUZ SEDAGHATY, et al.,) Eugene, Oregon
7 Defendants.)

8

9 PARTIAL TRANSCRIPT OF TRIAL PROCEEDINGS

10 BEFORE THE HONORABLE MICHAEL R. HOGAN

11 UNITED STATES DISTRICT COURT JUDGE

12 DAY 1 A.M. SESSION - JURY VOIR DIRE

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1 (Monday, August 30, 2010; 9:42 a.m.)

P R O C E E D I N G S

3 THE COURT: Good morning, Jurors. Some of you
4 are going to have to probably stand around the edge for
5 just the first couple of minutes. We're going to fill
6 these chairs up in a minute, so there will be room for
7 everyone.

8 Thank you for coming on this rainy day. All
9 right. I think we're all in the room, so we'll go ahead
10 and get started.

Well, ladies and gentlemen, this trial or this case has the name United States versus Sedaghaty. And we are here this morning to select a jury for the trial, which will last into a second week probably. We're just guessing, but that's what we guess. So at this time will the clerk please summon the jury.

17 THE CLERK: J|||||, R|||||, R||||||||||.

18 Mr. R|||||, if I could have you please step forward

19 through -- we have gates on either side, whichever is

20 easiest for you. If I could please have you have a seat

21 in the first seat outside the jury box. I'm sorry, sir,

22 the gate is right --

23 MR. R//://:/ I'm sorry.

24 THE CLERK: No, no problem. The first black
25 chair here outside the jury box.

1 MR. R|||||: That side?

2 THE CLERK: Yes.

3 E|||, W|||, W|||||. Ms. W|||, if you would
4 please take the next seat right outside the jury box.

5 J|||, N|||, N|||||. J|||, N|||.

6 MR. N|||||: Right here?

7 THE CLERK: Mr. N|||, you are in seat number
8 three.

9 M||||| K|||||, K|||||||||.

10 Ms. K|||||, seat number four.

11 K|||||, W|||, W|||||. Ms. W|||, if you
12 could please step forward and be in seat number five.

13 Jurors that are standing in the back, please
14 feel free to take the seats that are empty if you would
15 like to have a seat.

16 M||| C|||, C|||||, M||| C|||, and
17 seat number six, please.

18 D|||, W|||, W|||||. D|||, W|||,

19 Mr. W|||, it's seat number seven, please.

20 J|||, Y|||, Y|||||. D|||, Y|||.

21 MR. J|||: D||| or J|||?

22 THE COURT: J|||.

23 THE CLERK: I'm sorry, J|||, Y|||.

24 A|||, B|||, B|||||. A|||, B|||.

25 D|||, T|||, T|||||. D|||, T|||.

1 Ms. T|||||, I have you in the last seat.

2 A||||| c|||||, c|||||||, A||||| c|||||.

3 Ms. C|||||, if you could please be seated in the first
4 seat that goes along the front of the -- yes, right
5 there. Thank you. Along the gallery. And K|||||||,
6 T|||||, T|||||||, Ms. T|||||, if you would be seated
7 next to Ms. C|||||.

8 B||||| C|||||||, K|||||||||||||.

9 MR. C|||||||: It's C|||||, --

10 THE CLERK: C|||||||||, I'm so sorry.

11 R|||||, F|||||, F|||||||, Mr. F|||||, I have
12 you right next to the gate.

13 P|||||, D|||||||, D|||||||||||||.

14 Ms. D|||||||, I have you on the first seat on the bench
15 right next to the gate.

16 M||||| D|||||||, D|||||||||||||, M|||||||
17 D|||||||,

18 D|||||, M|||||, M|||||||. D|||||, M|||||,

19 C|||||||, M|||||, M|||||||. C|||||||, M|||||,

20 A|||||, H|||||, H|||||||. Ms. H|||||, I'm
21 going to totally throw you on your seating. I need you
22 to come back to jury box and have the first seat inside
23 the jury box in the first row inside. And there is a
24 gate on the far end if you can just go clear through.

25 W|||||, P|||||, P|||||||, Mr. P|||||, if I

1 could have you in seat number two inside the jury box.

2 C///////// B///////// B//////////. Ms. B/////////
3 if I could have you in seat number three inside the jury
4 box.

5 R///////// P///////// P//////////r R/////////
6 P/////////. Ms. P/////////, if I could have you please step
7 forward (indicating).

8 G//////// R///////// R//////////. G//////// R/////////
9 E//////// M///////// M//////////.
10 Ms. M/////////, if I could have you in the next seat in
11 the jury box.

12 E//////// C///////// C//////////r
13 Ms. C/////////.

14 G//////// K///////// ////////////// (sic).
15 G//////// K/////////.

16 C//// S////, S/////////, C////, S////.
17 Ms. S////, I have you in the last seat of the first row
18 of the jury box.

19 W///////// B/////, B/////////. Mr. B/////, if I
20 could have you go to the second row in the jury box and
21 go clear to the far right end.

22 K// J/////////, J//////////. K//
23 J/////////. Ms. J/////////, there is a gate at this end.
24 If you want to go through the gate and have a seat next
25 to Mr. B/////.

1 MS. J//: I'm sorry?

2 THE CLERK: There is a gate at this far end and
3 then you can go ahead and have a seat next to Mr. B///.

4 C///, P///, P/////////, Ms. P////, I
5 have you in seat number three in the back row.

6 C/// C///, C/////////. Ms. C///, I
7 have you in seat number four in the back row.

8 J///, L///, L/////////. J///, L///,

9 M/// W///, W/////////. M///

10 W///;

11 R///, R///, R///.

12 D///, M///, M/////////. D///,
13 M///.

14 And G///, B///, B/////////. G///,
15 B///, I have you in the final seat.

16 THE COURT: Thank you. Now, will the clerk
17 please administer the oath of qualification.

18 THE CLERK: The oath that I'm about to
19 administer is to all the jurors that I've called your
20 names as well as to the jurors that are in the back of
21 the courtroom. If you could please affirm the oath
22 after this is given.

23 (Venire sworn.)

24 THE CLERK: Thank you.

25 THE COURT: Well, we shuffled chairs. We

1 accomplished that.

2 Now, this first part, let me just tell you a
3 bit about the trial. This is a criminal case. A charge
4 brought by the government against someone alleging that
5 some criminal laws were violated. It involves charges
6 of conspiracy to defraud the United States, filing a
7 false tax return, and failure to file a report of
8 international transportation of currency or monetary
9 instruments.

10 The prosecution must prove each element of each
11 charge by proof beyond a reasonable doubt to obtain a
12 conviction.

13 The defendant denies the allegations that the
14 prosecution has brought. I want to introduce some
15 people in the courtroom.

16 The United States is represented by Christopher
17 Cardani and Charles Gorder. Mr. Cardani, would you
18 introduce the other people at the table with you,
19 including Mr. Gorder.

20 MR. CARDANI: Mr. Gorder is co-counsel for the
21 government. Special Agent Colleen Anderson is with the
22 Internal Revenue Service Criminal Investigation. David
23 Carroll with the Federal Bureau of Investigation. And
24 Susan Cooke with the United States Attorney's Office.

25 THE COURT: All right. And the defendant is

1 represented by Steven Wax and Lawrence Matasar.

2 Mr. Wax, if you could introduce the folks with you.

3 MR. WAX: Thank you, Judge. Good morning.

4 Steven Wax, Federal Defender for the District of Oregon.

5 Let me first introduce my client, our client, Pete Seda.

6 And then Larry Matasar is co-counsel on an assigned

7 basis. Bernie Casey is also assisting on a volunteer

8 basis. Here is Michelle Sweet. She is a research and

9 writing attorney in our office. Maija Wells is in the

10 office as a paralegal.

11 THE COURT: All right. Well, the first
12 question for those of you sitting up here, do you know
13 any of these folks?

14 THE JURY: No.

15 MS. T'/////: What if it's not personally? But I
16 do know people that know the defendant.

17 THE COURT: That know the defendant?

18 MS. T'/////: Yes.

19 THE COURT: We'll get to that in a little bit.

20 Okay. Great. Thank you.

21 (Court reporter interruption.)

22 THE COURT: And you are Ms. T'/////.

23 MS. T'/////: T'/////.

24 THE COURT: Thank you very much. I appreciate
25 that. All right. Well, has anyone heard of this case?

1 All right. Give us your name again so I can
2 make a note here.

3 MS. W////////: M////////, W////////.

4 THE COURT: M//////// W////////. Hang on just a
5 second, okay. And ma'am?

6 MS. W/////: K////////, W////.

7 THE COURT: Thank you. And Ms. C////////?

8 MS. C////////: Correct.

9 THE COURT: And Ms. T////. All right. Fine.
10 Thank you.

11 Now, I'm going to read a list of names. This
12 list of names are people who may be called as witnesses.
13 We try to be inclusive. And so, frankly, the whole list
14 is rarely called, but, nevertheless, we want to find out
15 in case they are called. So just listen to them. And
16 at the end of the time I read them, I'll ask you whether
17 you recognize any of those names, okay?

18 Barbara Cabral, Colleen Anderson, Daveed
19 Gartenstein-Ross, Debra Ingram, Evan Kohlmann, Gregory
20 Wooten, Jeremy Christianson, Linda Czemerys, Radmilla
21 Balobina, R.D. Kanan, Richard Smith, Sergey Ignatchenko,
22 Thomas Wilcox, George Arnold, Michael Bean, Joseph
23 Boyer, Rob Brown, Caren Caldwell, David Carroll, Kurt
24 Charlton, Jeff Cone, Mark Cox, Sharon Cummings, Casey
25 Daline, Ernest Ettlich, Patricia Florin, Mary Foster,

1 Bill Gabriel, Abdi Guled, David Hafer, Carol
2 Hwoschinsky, Mary Ann Jones, Tugrul Keskin, Abdul Qaadir
3 Abdul Khaliq, Anwar Kahn, Patrick Lang, David Long,
4 Cathy Matthews, Marcus Owens, David Rodgers, Ben Searcy,
5 Anita Sedaghaty, Raya Shokatfard, James Strupp, Nabil
6 Taha, William Teesdale, Robert Young, Majdi Zaky, David
7 Zaslow, Amr Jamal, Muhammad Nien Tai Sui, Marla Cates,
8 Muhammad Sui. That's it.

9 All right. Do you recognize any of those
10 names? No one. Okay. Thank you.

11 Now, what we're going to do is I'm going to --
12 rather than -- I have more questions for you, but before
13 we do that, there is some general areas I can explain to
14 you that I think I'll just have you go ahead and respond
15 on -- can we put the list up on the screens, please.
16 We'll fix that so you don't get a crick in your neck
17 looking at it.

18 All right. What I'd like to do is talk through
19 these areas with you, and then I want you to go ahead
20 and tell us some things. Now, when you are answering
21 these questions, just some general thoughts, we'd rather
22 you be inclusive. If you question -- if you wonder
23 whether something is appropriate to tell us, just tell
24 us. And let us sort of weed out the wheat from the
25 chaff on that, if you would, please. And then if you

1 don't understand a question, that's fine.

2 You are going to have that microphone. Put it
3 right up there. Let me just read through these and
4 explain a couple of things about them first.

5 All right. Your name. We all know that
6 already. But you'll give us that. And where you live,
7 not your street address. My answer would be Eugene,
8 Oregon. And you can tell me where you live.

9 And then give us just a rundown on your
10 employment, your spouse's employment, in other words,
11 your husband or wife's employment; your education; if
12 you have any military background, I'd like to hear about
13 that.

14 Then I realize this next question -- next
15 couple of questions asks for personal information, but
16 they are things we just have to know in a case like
17 this. And believe me, I'll treat you with the same
18 dignity that I would want to be treated if I were
19 answering a question like that in court.

20 So have you or anyone close to you been a
21 victim of a crime or witnessed a crime? And then the
22 next one, have you or anyone close to you been charged
23 with or convicted of a crime?

24 I'll tell you that I got a speeding ticket last
25 year on the Columbia River. So now you can tell me some

1 things, too. Okay?

2 Are you related to or friends with law
3 enforcement officers? And if so, who. And where do
4 they work? What's the basis of your relationship?

5 Have you or anyone close to you traveled
6 internationally? My favorite is France. I don't know
7 about you. But tell us about international travel.

8 Have you or anyone close to you had experience
9 with accounting or bookkeeping or banking issues? And I
10 know that some of you have some background in this.
11 What we want is anything that stands out in your mind
12 about your experience or your education. And only you
13 can tell us whether it stands out, whether it's a
14 positive or a negative situation.

15 Do you or anyone close to you have strong
16 feelings regarding any type of religious practices or
17 specific ethnicities? In other words, some of you have
18 your own faith. And are you able to be a juror and
19 evenhanded in evaluating the evidence and applying the
20 law as I give it to you with regard to someone of
21 another faith, or from another culture. And if you have
22 a problem one way or the other, or a strong preference
23 for or aversion to those things, we need to know about
24 that.

25 And have you or anyone close to you had any

1 experience with the IRS, such as an audit? And you
2 don't have to be embarrassed to answer this question.
3 I've been audited. My mother's estate was audited. You
4 know, these things happen. So we just need to know
5 whether you've had that or have you had some situation
6 with the IRS that stands out to you.

7 Do you have prior experience with the judicial
8 system? I don't recognize any of you as judges, so I'll
9 assume that's not what happened, but -- and I probably
10 would recognize you. But maybe you've been a party, a
11 plaintiff or a defendant; or a witness; or a juror, and
12 I need you to tell me about that.

13 Then just to sort of round things off, just
14 tell us something you like to do. And maybe it's a
15 club, maybe it's church activities, maybe it's
16 gardening, which I will never say I enjoy, but I am glad
17 that people do enjoy it because we see the beautiful
18 gardens, don't we? They are putting in a brand new
19 entry in my home right now. And I'm down here. And my
20 wife of 40 years is in charge, so that's wonderful. So
21 something you like to do.

22 So I want to start with our first juror. With
23 regard to those who said they heard something about the
24 case or have heard of the defendant, we're going to save
25 those matters until later, okay? So just of these

1 things that you have here.

2 Mr. R////////.

3 MR. R////////: My name is J///, R////////. I live
4 in Cottage Grove, Oregon. My employment -- my current
5 employment is I'm with the State of Oregon. I'm with
6 the Unemployment. I'm with what they call a claims
7 specialist right now. Previous employment has been with
8 Levi Strauss as a scheduler and distribution logistics.

9 Education background is Arizona State
10 University, class of '91.

11 I have no military background. All my military
12 background comes from my father. I was not personally
13 in the military.

14 Have I ever witnessed or been or know anyone
15 who has been a victim of a crime? No, I have not. Have
16 you or anyone close to me been convicted of a crime?
17 No. Are you related to any friends with law enforcement
18 officer? Yes, I have a personal friend. His name is
19 Scott Shepard. And he is with the Cottage Grove Police
20 Department.

21 Have I traveled internationally? Yes, I have.
22 I have traveled quite a bit. I've traveled mostly to
23 Europe, and also -- that includes England, as well as
24 France and Spain. And that was for when I was working
25 for Levi Strauss.

1 Any bookkeeping experience? Yes, I have a lot.
2 I am partners in business with my wife. And I am the
3 extensive bookkeeper for the business that she runs.

4 THE COURT: What sort of business is it?

5 MR. R//://: It is a retail business.

6 THE COURT: Okay.

7 MR. R//://: And so I deal with all the
8 accounting laws and issues. And I also partner in
9 filing, you know, the standard returns that go with the
10 business.

11 THE COURT: Do you file the tax returns for the
12 business?

13 MR. R//://: I -- yes. I work with an
14 accountant as a consultant to make sure that we file
15 them properly and make sure it's properly done.

16 Also, we deal with the quarterly payroll taxes,
17 as well as the federal payroll taxes as well.

18 Any strong feelings about religious practices?
19 I believe a person has their own faith. I believe that
20 they're in control of how they practice. I have my own.
21 I respect everybody else's religious practices, whatever
22 they are. It's their right to practice it. They choose
23 to practice it.

24 Have I ever been close to anyone or myself been
25 experienced with the IRS? Just with filing taxes and

1 that's it. I've never been part of an audit.

2 THE COURT: They are not that much fun.

3 MR. R//://: Any experiences with the judicial
4 system as a party, witness, or juror? No.

5 Something I like to do, it is a balance between
6 enjoying outdoor activities and training my one-year-old
7 Lab dog right now. That's pretty much it.

8 THE COURT: That's wonderful. Ms. W//://.

9 MS. W//://: Hi. I'm E//://, W//://. I live in
10 Corvallis, Oregon. I've worked for Samaritan Health
11 Services for 16 years now. Transcription clerk.
12 Primarily my duty is to edit medical dictation. I enjoy
13 it a lot. Education, Portland State University, three
14 years there. I did not graduate. Military background,
15 none for myself. My aunt, though, was a lieutenant
16 colonel in the Pentagon.

17 THE COURT: All right.

18 MS. W//://: Go BJ. Have I or anyone close to me
19 been a victim of a crime or witnessed a crime? No.
20 Have we been charged with or convicted of a crime? No.
21 Friends or relatives in law enforcement. No one
22 personally that I know of. International travel, we
23 enjoy going to Puerto Vallarta, Mexico. Have been for
24 the last four years. So that's my extent of outside the
25 U.S. Experience with accounting and bookkeeping, just

1 balancing my checkbook. No banking issues. Anyone
2 close to me with strong feelings regarding any type of
3 religious practices or specific ethnicities. Potential
4 Juror 1 said it all for me. I feel people have a right
5 to their own beliefs. And that's always been my
6 feeling. Personally I tend to be agnostic.

7 Experiences with an audit with the IRS. None
8 at all. Experience as a juror. Yes, Linn County, two
9 years ago, I was on a jury panel.

10 THE COURT: What kind of case was it?

11 MS. W///: It was drunk driving.

12 THE COURT: Okay.

13 MS. W///: And it was convicted. Something I
14 like to do. I love working out in a gym. I have been
15 just an exercise buff all of my life, or walking, speed
16 walking throughout nature. And recently we got a neat
17 cat who I like to buckle up into a dog harness and take
18 her for walks. She's a lot of fun. Her name is Muffin.

19 THE COURT: Usually they are too independent
20 for that.

21 MS. W///: Gotta get them young.

22 THE COURT: Mr. N/////,

23 MR. N/////: I'm J///, N/////. I live in Coos
24 Bay, North Bend, Oregon on the coast. I am currently
25 part owner and vice president of Ken Ware Chevrolet

1 Incorporated, automobile dealership. Before that, I
2 worked in many other dealerships. Before that, I was a
3 working cowboy for four years. I have a degree in -- a
4 bachelor's in psychology from Southern Oregon State
5 University. No military background.

6 I was attacked by a gang from Fremont,
7 California, back in '90. And they beat me with clubs
8 and bats and put me in the hospital, but I came out of
9 it.

10 THE COURT: Do you think, given that
11 experience, that you could be as fair to a defendant in
12 a criminal case as to the government?

13 MR. N//://: Of course.

14 THE COURT: Thank you.

15 MR. N//://: Nobody has ever been charged or
16 convicted of a crime close to me. I'm friends with
17 Judge Rick Barron in Coos County. Friends with Ernie
18 Mitchell, sheriff department member.

19 THE COURT: He's a deputy sheriff, right?

20 MR. N//://: He's a deputy sheriff. I've
21 traveled to Japan to play football internationally,
22 Canada and Mexico otherwise. I have worked in our
23 accounting department as a payables type person. I am
24 involved in looking over our accounts on a daily basis
25 of the dealership.

1 THE COURT: Do you have an accountant file your
2 returns?

3 MR. N////////: Correct.

4 THE COURT: Okay.

5 MR. N////////: I have never -- oh, I am a saved
6 Christian, but I do not harbor ill-will towards anybody
7 with any other religious beliefs. Never had any
8 experience with the IRS as far as an audit. I've never
9 made it to juror. And I like to fish and crab.

10 THE COURT: You live in a good spot for it,
11 that's for sure. Ms. K////////.

12 MS. K////////: Hi. I'm M////////, K////////. I
13 live in Gervais, Oregon.

14 THE COURT: I'm sorry, I didn't hear where you
15 live.

16 MS. K////////: Gervais, Oregon.

17 THE COURT: Thank you.

18 MS. K////////: I am a nuclear medicine
19 technologist. I got a bachelor's degree from OIT in
20 Klamath Falls in nuclear medicine. I've never been
21 committed (sic) of a crime or been a victim of a crime.
22 Did I skip one? Never witnessed a crime. I don't have
23 any friends in law enforcement. Never traveled
24 internationally. No experience with accounting,
25 bookkeeping, besides checkbook and all that good stuff.

1 Religion, to each their own. No biases at all. No
2 problems with the IRS. Never been audited. Never been
3 a juror. And enjoy spending time with the family and
4 playing sports.

5 THE COURT: Thank you. All right. Ms. W/////.

6 MS. W/////: My name is K//////// W/////. I live
7 in Springfield. I graduated from college in Spokane. I
8 taught school and worked for a nonprofit, and now I'm
9 retired. I have not been a victim of a crime or know of
10 anybody that has been. My husband is a practicing
11 attorney in Springfield, but does not do any criminal
12 work. We travel maybe once a year. Panama Canal,
13 Australia. We haven't been to Europe in several years.
14 I have no experience with any accounting work. And I
15 have no problem with people of different religious
16 practices or cultures. I've not had problems or any
17 dealings with the IRS. And I've been on a jury for Lane
18 County twice. Once I was excused and once it was a
19 traffic case. I like to walk and read and play bridge.

20 THE COURT: Wonderful. Thank you. Ms.
21 C////////.

22 MS. C/////////: My name is M/// C////////. I live
23 in Albany, Oregon. Let's see, I am a professor at
24 Oregon State University.

25 THE COURT: What do you teach, please?

1 MS. C||||||: Pardon me?

2 THE COURT: What do you teach, please?

3 MS. C||||||: Nutrition and food.

4 School, I have degrees in Illinois and
5 southern -- yes, Southern Illinois and OSU. I
6 personally don't have a military background. My brother
7 was murdered.

8 THE COURT: Can you tell us a little bit about
9 that.

10 MS. C||||||: Yeah. He was -- he picked up a
11 hitchhiker. And apparently the defendant claimed that
12 my brother had come on to him, made a homosexual pass at
13 him, and then ended up beating him to death.

14 THE COURT: How long ago was that?

15 MS. C||||||: About 15 years.

16 THE COURT: Well, I need to ask you, do you
17 think you could be as fair to a defendant in a criminal
18 case as to the government?

19 MS. C||||||: Yes, I suppose so. I mean, I
20 don't have any reason to think no.

21 THE COURT: All right.

22 MS. C||||||: Are you related to -- I know
23 several law enforcement officers. I live nearby one of
24 the guys that was injured on the highway who is not an
25 officer anymore, but was. And a few other state

1 officers at the athletic club where I participate. I
2 really only know them by first name, but have known them
3 for many years because I've been going there for a long
4 time.

5 THE COURT: And if you don't mind, because it
6 really applies to everyone. There will be people
7 involved with the government or law enforcement called
8 to testify. And their testimony should be evaluated
9 just like any other witness's testimony. He doesn't get
10 extra credibility because they happen to be a law
11 enforcement officer. You decide what you think of the
12 testimony of each witness. Okay. Go ahead.

13 MS. C'//://; I have traveled to Canada,
14 Mexico, Guatemala, Taiwan, Europe, Italy. I mean,
15 that's Europe, I guess. No bookkeeping, accounting, or
16 banking issues. I really don't like religious fanatics,
17 whatever denomination they are from. And so I'll be
18 honest about that. I have had no IRS problem or audit.
19 I have been a juror twice, three times. Twice, I guess.

20 THE COURT: What kind of case?

21 MS. C'//://; One was a case of sexual abuse.
22 And the other was a case of a young man trying -- got
23 picked up, and then tried to kick his way out of a
24 police car.

25 THE COURT: All right.

1 MS. C//://: I like to garden.

2 THE COURT: Bless your heart. Let me just ask
3 another question. You said that you have a problem with
4 religious fanatics. What does that mean to you?

5 MS. C//://: I think that far too much people
6 believe that if they prescribe to a certain religion,
7 that if you're not in their club, you are not right.
8 And they work to try to recruit you to their club.

9 THE COURT: Thank you. Do you think you could
10 teach me to can pickles? I keep failing.

11 MS. C//://: I'm not real good at it.

12 THE COURT: Sir, Mr. W//://.

13 MR. W//://: My name is D//:// W//://. I live in
14 Reedsport. Before I start these questions, there is a
15 statement I'd like to make. Whether it has any bearing
16 or not, I don't know. I'm on two prescriptions,
17 antidepressants for depression and panic attacks.

18 THE COURT: Yes.

19 MR. W//://: That does impair my thought
20 process, so.

21 THE COURT: Yeah. When you take the
22 medication, are you all right or do you still have a
23 problem with it?

24 MR. W//://: No, I don't have problems, but the
25 depression medication I take makes you feel like you

1 really don't care one way or the other about a conflict.
2 It's doing its job, so.

3 THE COURT: I'm certainly sorry you're
4 suffering from that. I'm probably going to excuse you
5 from jury service here. I appreciate you coming in.
6 It's an honor to be on the jury. It's one of the things
7 that as citizens that everyone should hope for. And in
8 your case, it probably just won't work out. So thank
9 you for coming in.

10 And, Counsel, without objection, I'm going to
11 excuse Mr. W//// for cause. Thank you.

12 MR. W////: Thank you.

13 THE COURT: You bet. And I think, before we go
14 further, let's go ahead and call another juror for
15 position number seven.

16 THE CLERK: J///, S////, S/////////. J///
17 S////, Mr. S////, if you would please fill seat
18 number seven. Mr. S////, we'll put you on the hot spot
19 immediately and hand you the microphone.

20 MR. S////: Good deal.

21 THE COURT: First, did you recognize any of the
22 people here? Have you heard of the case or anything
23 like that, sir?

24 MR. S////: In this courtroom?

25 THE COURT: Yes.

1 MR. S//://: No, Your Honor.

2 THE COURT: Go ahead.

3 MR. S//://: So my name is J///, S//://. I live
4 in Bend, Oregon. I suppose I'm a recovering lawyer. I
5 now run strategic initiatives for primarily national
6 environmental groups and renewable energy companies. I
7 have a -- I'm a graduate of Lewis and Clark Law School,
8 and did eight years of federal environmental litigation
9 before going into the policy arena.

10 In terms of crime victim, nothing that I can
11 really think of. You know, charged with a few things in
12 my wilder youth, but not convicted of anything, other
13 than a speeding ticket.

14 Have a neighbor across the alley who is a
15 BLM -- a retired BLM enforcement officer, and taught at
16 the FBI academy for several years.

17 Traveled extensively in Europe. Lived in Spain
18 for seven months following college. Canada, Mexico,
19 Costa Rica. Accounting, bookkeeping, I went into law
20 because I can't stand numbers, so I have my executive
21 assistant do most of that, and hire a bookkeeping -- or
22 an accounting firm for taxes and that kind of thing.

23 Religious practices, I don't have a particular
24 religious faith. Try to respect others. Currently have
25 an audit with the State of Oregon, but that -- nothing

1 with the IRS.

2 Obviously, experience with the judicial system
3 as a litigator previously, but I've never served as a
4 witness or a party or a juror.

5 In terms of things I like to do, fishing,
6 anything outdoors, snowboarding, surfing. I should note
7 that I am scheduled to be in Washington, D.C. next week
8 for a meeting that's sort of scheduled around my
9 presence and have tickets bought and those kinds of
10 things, so if this is a two-week trial, I'm probably not
11 available.

12 THE COURT: Tell me, you mentioned a State of
13 Oregon audit.

14 MR. S|||||: Yes.

15 THE COURT: What's the issue there?

16 MR. S|||||: They are just looking at a
17 deduction for moving expenses from when we moved.

18 THE COURT: Given that, do you think you could
19 be as fair to the government as to the defendant?

20 MR. S|||||: It hasn't gotten painful yet, Your
21 Honor.

22 THE COURT: Thank you very much. Pass that
23 along to Mr. Y|||||.

24 MR. Y|||||: My name is J|||||, Y|||||. I live in
25 Roseburg. I served in the Army back in 19 -- in the

1 '50s. I was -- I'm retired now. I was employed by the
2 Los Angeles County Sheriff's Department for 22 years.
3 Nobody close to me has been a victim of a crime or been
4 charged with a crime. I'm friends of Douglas County
5 Sheriff John -- his name escapes me. Anyway, he's the
6 sheriff of Douglas County. Travelled to Europe back in
7 2000. No bookkeeping experience. Do I have any want --
8 I have some feelings, and I hate to say it, but I'm
9 going to be honest, the Muslim people, I have a little
10 bit of angst towards.

11 THE COURT: All right. Well, how do -- if
12 there is someone that practices the Muslim faith, Islam,
13 how do you think you would do as far as giving them as
14 fair a consideration as you did the government here?

15 MR. Y///: I would have to weigh the facts.
16 It's -- I'd be as fair as I could.

17 THE COURT: All right. Does that -- does your
18 angst -- you described it as a little angst. Does that
19 come out of a particular experience you have had?

20 MR. Y///: No, no experience.

21 THE COURT: Okay. Go ahead.

22 MR. Y///: And I've never been audited. I've
23 not been part of the judicial system. And I sing with
24 the Umpqua Timbermen's Barbershop Chorus. That's mainly
25 what I like to do.

1 THE COURT: What part?

2 MR. Y|||||: A lead part.

3 THE COURT: Thank you.

4 MR. B||||||: My name is A|||||, B|||||||. I live
5 in Springfield, Oregon. Employment, I work at a small
6 grocery store called Mathers Market. I am a student at
7 Lane Community College. No military background. Don't
8 know anyone convicted or witnessed a crime, or myself.
9 Not related or know anyone in law enforcement. I have
10 traveled to Mexico with my church several years ago. No
11 experience in accounting, bookkeeping, banking.

12 THE COURT: Were you on a building project on
13 that trip?

14 MR. B||||||: Yeah. We actually built a church
15 from the ground up.

16 THE CLERK: Excuse me. Can I have you repeat
17 the name of the market?

18 MR. B||||||: Mathers. I am Christian. I
19 don't have any -- pass judgment towards any other race,
20 religion. No experience with IRS audit. I've never
21 been a witness or a juror. And I like the outdoors,
22 hunting, fishing.

23 THE COURT: All right. Thank you very much.
24 If you could pass that along, A|||||, to Ms. T||||||.

25 MS. T||||||: I'm D||||||, T|||||||. And I live in

1 Salem, Oregon. I'm currently employed with a nonprofit
2 group as a vocational habilitation specialist. I work
3 with MRDD clients in a vocational site. That's been
4 about ten-and-a-half years. Prior to that, I owned and
5 operated my own business, Printing Establishments, for
6 17 years.

7 Never been a victim of a crime or witnessed
8 one. Never been charged with any kind of a crime, or
9 nobody close to me.

10 No law enforcement agency people in my life.

11 I've traveled to Europe and Canada. And, yes,
12 I've had experience with accounting with my business of
13 17 years. I was the bookkeeper, but an accountant filed
14 all of our taxes for us.

15 THE COURT: Thank you.

16 MS. T//://: I have no strong feelings towards
17 religious or ethnicity. I think diversity is where the
18 world needs to be. IRS audit, yeah, back in 1975, first
19 year of marriage, I had worked in three different
20 restaurants, and they wouldn't accept the charges for
21 the different uniforms. So we had a bit of a talk.

22 THE COURT: All right.

23 MS. T//://: Everything came out fine.

24 THE COURT: Do you think that would affect your
25 work as a juror?

1 MS. T'/////: No, not at all. Yes, I sat on a
2 jury in Marion County a couple of years back. And it
3 started out as a traffic violation. They fled to a
4 home, and then in the home they found drugs.

5 THE COURT: Okay.

6 MS. T'/////: Something I like to do, I'm a
7 gardening nut. I like my water falling pond.

8 THE COURT: We have a new one of those, too.
9 We'll see how it works out. Okay. Would you pass that
10 along, please. Ms. C'///.

11 MS. C'///: My name is A'//// C'///. And I live
12 in Eugene, Oregon. I am employed with San Francisco
13 Gaming Company as a character artist.

14 MR. WAX: Your Honor, I'm having a hard time
15 hearing her.

16 THE COURT: All right. Just try to speak up a
17 little bit.

18 MS. C'///: I work for a company in San
19 Francisco Game Company as a character artist. And I am
20 currently a student at U of O. I have no military
21 background. I have witnessed a robbery at a restaurant.
22 I was the only witness. And was questioned by the
23 police, but I think they catched (sic) them.

24 THE COURT: When did that happen?

25 MS. C'///: That was like six or seven years

1 ago at a Red Lion Inn or somewhere. And -- and no -- I
2 know no one who has been charged with crime. I am not
3 related or been with any law enforcement officers. I am
4 originally from Japan, because my mother is Japanese,
5 and my family goes there sometimes. My sister is
6 currently in Japan right now. And I've been to Canada
7 also.

8 No experience with accounting or bookkeeping.
9 I have no issue with religion. I think everyone should
10 be treated equally. No problem with IRS. Or -- I was
11 called for jury duty once, but was excused here in
12 Eugene. And I like to do Japanese drumming, taiko. I'm
13 a Eugene taiko member. So that's about it.

14 THE COURT: Okay. Thank you.

15 MS. T//://: My name is K//://:// T//://. I live
16 in Springfield, Oregon. I am retired, but before I
17 retired, I worked for the public water company in
18 Springfield as a billing clerk, and took money, and
19 turned off people that didn't pay their bills, and
20 turned it back on when they did. Prior to that, I was a
21 mom and a wife.

22 I went to business college back in the '60s,
23 but it's not in business anymore. I don't have a
24 military background. But my husband was in the Navy.
25 And my father was in World War II. So I guess that's

1 kind of military background.

2 We had a drug house across the street, so I
3 witnessed a lot of crimes, and the door being crashed
4 in. And that all kind of settled down a few years ago.
5 I have testified in front of the grand jury.

6 THE COURT: What kind of a case?

7 MS. T/////: Back child support, my ex-husband.

8 THE COURT: All right.

9 MS. T/////: I guess he was close to me, he was
10 convicted of payment -- nonpayment of child support. I
11 was raped when I was young, but it was, you know, a long
12 time ago before DNA, so no one was ever convicted of
13 that.

14 THE COURT: Do you think that would impact your
15 work as a juror?

16 MS. T/////: Maybe if it was a rape case, but
17 other than that, probably not.

18 THE COURT: Okay.

19 MS. T/////: I'm not related to any law
20 enforcement, but I have friends. My next-door
21 neighbor's son, whom I've known since he was a baby, is
22 a deputy sheriff in Clackamas County. And I have state
23 police friends from a yacht club that we belong to for
24 many years. One is Tom Benz. The other one is Michael
25 Ramsby. And I also have a friend that's a U.S.

1 Attorney. His name is Gregory Nyhus.

2 THE COURT: Do you think those relationships
3 would affect your ability to give a fair evaluation of
4 the evidence?

5 MS. T'/////: I always believed everything they
6 said but I don't really know.

7 THE COURT: All right.

8 MS. T'/////: I like them very much.

9 My sister has traveled pretty extensively
10 internationally, but my husband and I never have. I
11 never have.

12 I have some experience with accounting and
13 bookkeeping, but I was never the last person in charge.
14 I do keep the household books and investments and stuff.
15 I don't have any issue with my bank. I like my bank.

16 I am agnostic. And I believe everyone has a
17 right to their own opinion about religion. I just don't
18 really want anyone to try to give me what they have.

19 No experience with the IRS except paying taxes.
20 I was called for jury service in Lane County but after
21 we got there, the case settled so I was -- I only went
22 there. I didn't serve.

23 Something I like to do, we sold our sailboat
24 last year, so we're a little bit not sure what we're
25 doing now. And I like to kayak, we kayak. And we have

1 a garden and a pond. And I like to read. I like to
2 play with my grandchildren, who don't live here but we
3 travel to southern Oregon a lot. That's where I'm from.

4 THE COURT: Okay. All right. Thank you very
5 much.

6 MR. C////////: My name is B////C////////. I
7 live in Salem. I work for Target. I have no military
8 background. I'm a high school graduate. Nobody that I
9 know has been a victim of a crime. And nobody I know
10 has been charged with a crime. And I don't know any law
11 enforcement officers. And I don't travel
12 internationally. And I don't have any experience with
13 accounting or bookkeeping. And as far as religion, to
14 each his own. And my mother owed penalties and what
15 have you on the sale of her retirement stock as far as
16 the IRS is concerned.

17 THE COURT: Do you think that would affect your
18 work as a juror, sir?

19 MR. C////////: No. And years ago, I was a
20 juror on a landlord-tenant dispute where the tenant was
21 suing the landlord. And I like to read.

22 THE COURT: All right. Thank you very much.
23 If you would pass that along to Mr. F////.

24 MR. F////: My name is R////F////. I live
25 in Oakland, Oregon. I am employed by the Cozy Corner

1 Tavern in Sutherlin, Oregon, as a bartender. I've
2 worked there for 18 years. I've never been a witness to
3 any crimes. Never been charged with a crime or know
4 anybody else that has. I do have retired state police
5 and county sheriffs as friends. In fact, they go
6 fishing with me.

7 THE COURT: About how close are those
8 relationships, sir?

9 MR. F|||||: Well, every September -- every
10 September we go fishing up Tenmile Lake. It's for a
11 week. I'm the camp cook.

12 THE COURT: Okay.

13 MR. F|||||: If I got this jury duty, I'm not
14 going to be able to do that this year. Also my brother
15 just died in Washington. And I've got to go up there
16 for services for him.

17 THE COURT: When is the service, sir?

18 MR. F|||||: It would be next week.

19 THE COURT: Well, we're not going to cause you
20 to be concerned about that. Without objection, I'm
21 going to excuse Mr. F|||||, Counsel.

22 MR. F|||||: Thank you, Your Honor.

23 THE COURT: You are welcome. I'm usually the
24 camp cook, too, by the way. Let's call a new juror for
25 position number 14.

1 THE CLERK: T'/////, O'////////, O//////////.
2 Ms. O'////////, once again, now you are in the hot seat.

3 THE COURT: First, Ms. O'////////, do you know
4 any of these people or have you heard of the case
5 before?

6 MS. O'////////; No.

7 THE COURT: Thank you.

8 MS. O'////////; My name is T'////, O'////////. I
9 live in Springfield. I am an HVAC estimator for Harvey
10 Price. I've never been a victim of a crime or witnessed
11 a crime. Never been charged with a crime. I don't have
12 any law enforcement friends. I've never traveled
13 internationally. I have no bookkeeping, accounting,
14 banking issues. I am agnostic. I don't -- to each his
15 own. And I've never had any experience with the IRS.
16 Never had an audit. I was called for Lane County juror
17 but I was excused. And I like the outdoors.

18 THE COURT: Thank you very much.

19 MS. D'////////; I'm P/// D'////////. I live in
20 Junction City. My husband and I own and operate
21 Rock'n D Ranch. We're totally a farming operation. I
22 manage a beef cow herd. We're both graduates of Oregon
23 State University. I got to put my glasses on. No
24 military. I have been burglarized many times. I've
25 walked in when my house was being burglarized. And we

1 had quite a tussle there. That's been 20 years ago or
2 so. Never been charged or convicted of a crime. Really
3 don't know anybody in law enforcement other than the
4 guys that come out every now and again when we call
5 them, and they come out three hours later or longer.
6 Don't travel internationally. I do the books on the
7 ranch. I do use an accountant. I'm a Christian. And
8 as long as everybody is peaceful, I don't -- you know,
9 but if they're trying to kill you, that's probably a --
10 I probably have strong feelings about that.

11 IRS, I pay a lot of taxes. I was on a jury.
12 It was an embezzlement case. And in the middle of the
13 jury, the guy killed himself. So that ended that. What
14 I do for employment is what I do. That's -- cows and
15 horses are my thing.

16 THE COURT: All right. Just a couple of
17 questions. Do you think that burglary you interrupted,
18 do you think that would interfere with your work as a
19 juror?

20 MS. D||||||: No.

21 THE COURT: Okay. Well, I officiated at a
22 wedding Saturday night at a lake up in the Cascades, and
23 this young woman is moving to Hereford. We pronounce
24 that a little differently, don't we? It's a very small
25 town. Do you raise Herefords or Angus?

1 MS. D||||||: Angus.

2 THE COURT: Yeah. Okay. If you would pass
3 that along, please.

4 MS. D||||||: I'm M||||||, D||||||, from Depoe
5 Bay, Oregon. I'm a retired state employee. Graduated
6 from U of O. I have no military background. I do have
7 a nephew that was recently deployed to Iran and will
8 remain there for a while.

9 The only -- a victim of a crime, I was a victim
10 of a home burglary in the early '70s, a minor thing at
11 that point. Never been charged or convicted with a
12 crime. And currently have not maintained any
13 relationships or friendships with law enforcement
14 officers. Traveling, Canada, Mexico, Ireland. That's
15 about it for international travel. Have no experience
16 with accounting, bookkeeping, banking issues, nothing
17 out of the ordinary. No strong feelings on religious
18 practices or ethnicities except the fanatics, I have
19 little patience with fanatics, agnostic religious
20 fanatics, whatever they be.

21 THE COURT: Do you think you'd lean one way or
22 the other, without hearing the evidence, on anyone who
23 happened to be from Iran or Persia?

24 MS. D||||||: No, as long as they don't have
25 fanatic tendencies that are visible to me.

1 No experience with IRS, other than normal tax
2 filings. No experience with the judicial system. I
3 was -- served on two juries, a tenant eviction situation
4 and an assault and battery situation. And because I
5 live on the coast, anything beach wise, I volunteer at
6 the Oregon Coast Aquarium and the whale watching along
7 the coast.

8 THE COURT: Thank you.

9 MR. M///: My name is D///, M///. I live in
10 Springfield. My employment is with Peace Health. And I
11 have a degree from Westmont College in Santa Barbara.
12 No military background.

13 Witness to a crime, my wife's best friend
14 witnessed a murder in a grocery store. Other than that,
15 I can't think of anything. I had a bicycle stolen once.
16 Never been charged with or convicted of a crime. My
17 father-in-law, who passed away about seven years ago,
18 was a police officer with LAPD. I have never traveled
19 internationally. Bookkeeping and accounting, prior to
20 moving to Oregon in 1989, I was vice president at
21 Security Pacific Bank. Strong feelings for religious
22 practices, I am a Christian. I don't have any strong
23 feelings that would affect my thinking in the case.
24 Have I experienced an audit? No. No experience with
25 IRS.

1 Prior experience, I was on two cases when I
2 lived in California over a period of a week. One was a
3 solicitation and one was a traffic accident. And I like
4 to bicycle.

5 THE COURT: All right. Was Westmont started by
6 the Presbyterian Church, sir?

7 MR. M//://; I don't believe so. I think it's
8 independent.

9 THE COURT: Okay. And these experiences with
10 law enforcement, your late father-in-law and so on, do
11 you think they would make you tend to favor one side or
12 the other in a case like this?

13 MR. M//://; No, no.

14 THE COURT: Thank you very much.

15 MS. M//://; Hi. My name is C////////// M//://;. I
16 live in Eugene, Oregon. I'm currently an accountant for
17 Symantec Corporation in the accounts receivable
18 department. I have no military background. I've never
19 been a victim of a crime or know anyone who has. I've
20 never been charged or convicted of a crime. I don't
21 know any law enforcement officers. I have traveled to
22 India, Croatia, Bosnia, and the Philippines.

23 Experience with -- I have experience with
24 accounting. And prior to being an accountant, I worked
25 seven years in the banking industry. Feelings with

1 regard -- I am religious but I'm not prejudiced or
2 anything to other religions. Everyone should practice
3 their own.

4 I have no experience with an IRS audit. I've
5 never been a juror. And I like to cook and eat.

6 THE COURT: Let me just ask one other question.
7 My son and daughter thought Croatia was beautiful. How
8 did you happen to go to Croatia and Bosnia?

9 MS. M//://: It is. I went in 2004. I thought
10 Croatia was beautiful. The food is really good. I
11 think they have better gelato than Italy, amazingly. I
12 went there just for a family trip. My aunt travels a
13 lot in Europe. And my brother and I got free tickets,
14 so we just kind of tagged along.

15 THE COURT: Thank you very much. Ms. H//://.

16 MS. H//://: My name is A//://. H//://. I live
17 in Springfield, Oregon. I work for Les Schwab Tire
18 Center as the office clerk. I am not a victim of a
19 crime or anything. I've not witnessed a crime. I'm
20 related -- or not related to, but I have a friend that
21 works at the correctional institution in Salem as an
22 officer, as a guard in the prison. And that, I've
23 traveled to Mexico, Puerto Vallata, and that. I take
24 care of the books and the accounts, customers' accounts,
25 cash receivings, that's my background in bookkeeping. I

1 have no feelings against any religion, and that. And I
2 have no experience with the IRS, and that. I have been
3 a witness on a jury for a sexual assault to a minor.
4 And I like to golf.

5 THE COURT: And do you participate in
6 preparation of the tax returns?

7 MS. H|||||: Not at work, just at home.

8 THE COURT: Thank you very much. Mr. P|||||.

9 MR. P|||||: My name is W|||||, P|||||. I live
10 in Shaw, Oregon, which is just outside Aumsville,
11 Oregon. Not currently employed. Odd jobs usually.
12 I've worked in a cannery. I've worked -- done farm
13 work, but nothing white collar yet. Education, I have a
14 bachelor's in mathematics. As for a military
15 background, I don't have a background in it. My
16 grandfather served in the -- was an NCO in the Korean
17 War. My father served in the Air Force when I was born.
18 And my brother currently serves as a second lieutenant
19 in the Army. And he hasn't been deployed yet but he
20 will be shortly, I think. He's in Ranger school at the
21 moment.

22 Let's see, I've been -- I was stolen from in
23 junior high. My brother was stolen from in high school.
24 And when I first started college, I was the victim of a
25 hit and run. In the case of the hit and run, it took

1 them more than a year for them to contact me after the
2 fact. And I was going to leave the area anyway, so I
3 dropped charges. They still had -- they were still
4 pursuing the person on other charges, as I understood
5 it.

6 Okay. My father has been a guard at the Oregon
7 State Penitentiary for 20 plus years. He's getting --
8 hoping to retire sometime in the next decade, I think.
9 Let's see, I have not traveled internationally. My
10 grandparents did extensively. I'd have to ask them
11 where. I know they've been to Australia. I think they
12 may have been to Israel. My parents went to the Bahamas
13 for their honeymoon. My brothers and family have been
14 to Canada. I haven't ever actually left the country.
15 One of my other brothers has also been to Poland. He
16 was part of -- in high school part of a -- I think it
17 was W3 Wildlife Watersheds and whatnot. That's the name
18 of the group.

19 Okay. Accounting, bookkeeping, I haven't had
20 any experience with that beyond my own bookkeeping,
21 personal checkbook.

22 As to feelings on religious practices, the only
23 compunctions I have is anyone who advocates violence.

24 I don't have any experience with the IRS beyond
25 paying my taxes. Prior experience, was called -- just

1 was summoned for a jury in Marion County. Did not
2 actually serve. If I remember right, it was a criminal
3 case, assault. And something I like to do, computers.
4 Something else I missed with, I'm going back to school
5 on the 27th of this month -- of September. But I don't
6 think the two-week duration or expected duration will
7 interfere as far as that.

8 THE COURT: Do you think you could be fair to
9 both sides in this case?

10 MR. P|||||: On what grounds?

11 THE COURT: Well, is there any question in your
12 mind?

13 MR. P|||||: As I don't know the defendant, I
14 don't -- there is nothing personal there. And
15 despite -- I try to treat things on a case-by-case
16 basis.

17 THE COURT: Thank you. Ms. B|||||;

18 MS. B|||||: I'm C|||||, B|||||. I live in
19 Corvallis, but Salem is still home for me. I am a
20 student at Oregon State. But while at school, I work in
21 herpetology collection to preserve reptiles and
22 amphibians. My grandfathers were in the Navy and Army.
23 And my uncle is an attorney in the Army. Never
24 witnessed a crime. Never been charged. My good friend,
25 Brock Ameele, is a police officer with the Corvallis

1 Police Department.

2 I have been to China and may go to the
3 Philippines in December, but a lot of my friends have
4 studied abroad.

5 No experience with accounting or bookkeeping.

6 I'm a Christian, but I do not have bias towards anyone,
7 even if I don't agree with them, or cultures. No IRS
8 experiences. I've deferred jury duty multiple times
9 because of school. And I like to do photography. I'm
10 in the Oregon State marching band. That takes a lot of
11 time.

12 THE COURT: What do you play?

13 MS. B////////: Alto sax.

14 THE COURT: I've played the trombone in that
15 school down the road in the marching band.

16 Go ahead now.

17 MS. P////////: My name is R////////, P////////. I
18 live in Salem, Oregon. I'm currently employed with a
19 company called Performance Health Technology. I have a
20 master's in economics. No military background. Not a
21 victim of a crime or witnessed. Never been charged.
22 Law enforcement, no. I've traveled internationally. No
23 bookkeeping.

24 THE COURT: Where have you traveled to?

25 MS. P////////: Uruguay, Mexico, Germany,

1 England. I think that's it, yeah. All for work. I
2 have a spiritual background, but I don't really have a
3 bias against people of other religions, unless they are
4 using it for violence or to hide behind criminal
5 activities. I kind of -- yeah, no. No IRS. I've never
6 been audited. Never been called as a juror. And I like
7 to run.

8 THE COURT: All right. Thank you.

9 MR. R//://: G'//://, R'//://, I live in
10 Springfield, Oregon. Currently unemployed but a full-
11 time student at Lane Community College in the criminal
12 justice program. Served three years in the Army.

13 THE COURT: What did you do before your
14 studies?

15 MR. R//://: I had my own construction company,
16 which is going to tie into a couple of other questions a
17 little later.

18 THE COURT: All right. I'll be patient.

19 MR. R//://: Which failed due to the economy,
20 so -- but I'm loving school.

21 THE COURT: Good.

22 MR. R//://: I've been the victim of many
23 property crimes, especially in my construction company,
24 things getting broke into constantly. Never been
25 convicted of a crime. Have a brother that's been in and

1 out of trouble a few times. No friends or relatives
2 that are law enforcement. I've traveled to Mexico,
3 Canada, Jamaica, just vacationing.

4 Bookkeeping, I didn't do. My wife did the
5 books for our business.

6 I am agnostic. To each his own as far as
7 religion goes as far as I'm concerned.

8 IRS, yes, with the failure of the business, we
9 had some delinquent payroll taxes and we're still
10 dealing with that.

11 THE COURT: Yeah. All right. Do you think,
12 given that, that you could be as fair to the government
13 as to the defendant on a tax issue?

14 MR. R//://: Yeah, because they have every right
15 to be coming after me for that.

16 THE COURT: Okay. Why did you decide to study
17 criminal justice?

18 MR. R//://: Many years in construction, a lot
19 of the employees that I had have been, you know, on
20 parole or probation, have been through the justice
21 system, and I felt like I dealt with those people really
22 well, and that's where I'd like to go with the
23 education.

24 THE COURT: All right.

25 MR. R//://: Never been a juror before. And

1 things I like to do, golf, fish. And I am a three-day-
2 old grandfather.

3 MS. M//://: E///, M//://. I live here in
4 Eugene. I just started back up at the University after
5 a four-year hiatus teaching high school, middle school
6 science. Prior to that, I was at the University for
7 21 years. No military background.

8 THE COURT: What did you do at the University?

9 MS. M//://: I'm a research assistant in a
10 neuroscience lab.

11 THE COURT: Okay.

12 MS. M//://: I have been a victim of two
13 robberies, one of which I witnessed back in 1982. I
14 have not been convicted or charged with anything. I
15 am -- my uncle is -- was a Denver policeman and the
16 sheriff near Steamboat Springs, Colorado. And we have
17 several friends here in Eugene who are police officers,
18 but I don't think that that biases my perspective in any
19 way.

20 I have been to Canada and Mexico. My husband
21 traveled throughout Europe running when he was a younger
22 man. I have no experience with accounting, bookkeeping,
23 or banking other than checkbook.

24 I don't have strong feelings regarding
25 religious practices or specific ethnicities.

1 My husband was audited just before we got
2 married for taking a deduction for his IRA account and
3 then not actually putting money in the IRA account.
4 He's kind of forgetful.

5 I was a juror on a concealed weapons case in
6 July, and I really like my job right now.

7 THE COURT: Okay. Great. Thank you.

8 MS. C////////: My name is E////// C////////. And
9 I live in Bend, Oregon. I am retired. I studied at
10 Michigan State University. And I have no military
11 background. I have not been a victim or ever witnessed
12 a crime. I have never been charged with or convicted of
13 a crime. I don't know any law enforcement officers. My
14 husband and I have traveled extensively. We've been to
15 six of the seven continents.

16 Personal accounting or bookkeeping issues have
17 been just what they are, personal, and banking and other
18 things like that.

19 I have my own religion. And I believe that
20 each individual is entitled to their own religion. I
21 have no specific feelings one way or the other. We have
22 been audited and currently have an appeal on file.

23 THE COURT: All right. How do you think that
24 would affect your --

25 MS. C////////: I don't think it would affect me

1 at all.

2 THE COURT: All right.

3 MS. C////////: I served on the grand jury in
4 Deschutes County about a year and a half ago. And I am
5 currently on the board of the Humane Society of Central
6 Oregon. And I like to golf.

7 THE COURT: Thank you.

8 MS. K////////: My name is G////////, K////////. I
9 live in Roseburg. I'm the chief executive officer of a
10 credit union in Roseburg for 28 years. I attended Iowa
11 State University. When I lived in the Eugene/
12 Springfield area, my home was burglarized, but that was
13 a long time ago. I've never been charged with a crime.

14 Let's see, my husband is a practicing attorney
15 in Roseburg. And through my employment over the years,
16 I've known many, many law enforcement officers.

17 I have traveled to Europe, Central America, Far
18 East. And as I said, I have 28 years of experience in
19 banking, credit unioning.

20 I have no strong feelings regarding any type of
21 religious practices. I have no personal experience with
22 the IRS. I deal with the IRS once in a while with work
23 issues. I have sat on a jury, but that's been 30 plus
24 years ago. And I have been a witness for, once again,
25 work issues. And I like to hike.

1 THE COURT: And your relationship or knowing
2 law enforcement officers and your husband's work, do you
3 think they would interfere with your ability to be a
4 fair juror here?

5 MS. K|||||: No, sir.

6 THE COURT: Thank you.

7 MS. S||||; C||||, S||||. Before I start,
8 though, I'm currently on anti-depression medicine and
9 migraine medicine, Nortriptyline, so.

10 THE COURT: And do they interfere with your
11 ability to focus and --

12 MS. S||||: Yeah, they do.

13 THE COURT: All right. Counsel, without
14 objection, I think I'll excuse this juror. Thank you
15 very much, Ms. S||||. Let's call another juror for
16 position number 27.

17 THE CLERK: S||||, E||||, E|||||||||.
18 Mr. E||||, if I could have you fill the vacant seat.

19 THE COURT: Mr. E||||, have you heard of this
20 case or do you know any of these people?

21 MR. E||||: I don't know any of these people.
22 I've just heard headlines on the news a couple of times.

23 THE COURT: All right. Thank you.

24 MR. E||||: My name is S||||, E||||. I live
25 in Corvallis. I'm currently employed at Nike. I am a

1 product chemistry director. I have a bachelor's and
2 master's degrees in chemistry. Before that, I worked at
3 CH2M Hill in Corvallis for a number of years. I don't
4 have a military background. My dad was in the Coast
5 Guard for a couple of years. And my father-in-law was a
6 career Navy and Coast Guard person.

7 Been a victim of property crimes, car damage,
8 but nothing other than that. My son was a resident
9 assistant over at U of O for a couple of years. And he
10 was witness to several property crimes and things
11 involving alcohol, and we heard that. No one close to
12 me has been charged or convicted of a crime. I had a
13 traffic ticket. I'm not related to anyone who is in law
14 enforcement, or close friends with anyone. Do have a
15 number of relationships with people that are lawyers,
16 because we get involved with a lot of product liability
17 issues in my work, and before that with environmental
18 cases.

19 I've traveled quite a bit internationally for
20 work to Canada, Mexico, Taiwan, China, Argentina,
21 Brazil, Europe, and spent quite a bit of time working in
22 Canada and on Australia.

23 I don't have any specific strong feelings
24 about -- people should be able to practice whatever
25 religion they want. I don't think that they should be

1 fanatical to the point where they are trying to force
2 other people to their beliefs. And I also don't think
3 they should resort to violence.

4 Haven't had any experience with IRS audit. My
5 wife owns a small business as a seamstress, and we have
6 our taxes done with an accountant.

7 I have been on a jury before. I was called
8 once in California but didn't serve on a jury. In
9 Lincoln County, about 20 years ago, I was on two juries.
10 One was drunk driving and one was a personal injury case
11 that involved an auto accident. And then in the City of
12 Albany, I was called as a juror there. And when the
13 jury was waiting, they dismissed the case, they settled
14 the case.

15 What I like to do, I like to run and I like to
16 bike.

17 THE COURT: All right. Thank you.

18 MR. B//://: My name is W//://, B//://. If I can
19 make a statement, Your Honor, I have to appear in court
20 next week for a DUI charge.

21 THE COURT: Okay. Well, we're not going to
22 interfere with our friends over at the state court then.
23 So without objection, Counsel, I'm going to excuse
24 Mr. B//://. Can we have another juror for position
25 number 28.

1 THE CLERK: G'/////, S'/////, S'//////////.
2 G'/////. S'/////.

3 THE COURT: Well, sir, have you heard of this
4 case, or do you know any of the folks here in the
5 courtroom?

6 MR. S'/////: No, I don't. No, I haven't.

7 THE COURT: Go ahead.

8 MR. S'/////: My name is G'//// S'/////. I
9 live in Corvallis. I work at Rite Aid Drugstore. I do
10 have a military background. I served in the U.S. Army
11 in Vietnam from '69 to '70. Let's see, nobody I know
12 has been a victim of a crime or witnessed a crime. I
13 have two sons that have both been charged with felonies.

14 THE COURT: Sir, I'm sorry, but what felonies
15 were they?

16 MR. S'/////: One -- I'm not sure. I didn't --
17 I kind of disowned them. But one was breaking and
18 entering and stealing a car, and the other one had to do
19 with drugs.

20 THE COURT: Okay.

21 MR. S'/////: I do have a brother-in-law that's
22 a retired deputy sheriff out of Mariposa County,
23 California. He was involved in an accident involving
24 three federal agents in which the three federal agents
25 were killed. It was a head-on crash about 20 years ago.

1 Let's see, I've traveled internationally a
2 little bit to Mexico about three or four times. In the
3 Army, I went to Australia, Singapore, and Japan.

4 Never had any experience with accounting or
5 bookkeeping. I did have my own business back about 1979
6 through '82. I had an art supply store. And we had our
7 accounting done by an accountant.

8 Strong feelings, I am a Christian. I really
9 don't have any strong feelings toward any other
10 religious group. Never had any experience with the IRS.
11 No audits. I have served on a jury once a long time
12 ago. And it was just a traffic violation. And I was an
13 alternate on that jury. And I like to fish and camp,
14 backpack.

15 THE COURT: Do you think your family's
16 experience positively and negatively with the criminal
17 justice system would affect your service as a juror?

18 MR. S||||||: I think it would. It would
19 negatively affect it.

20 THE COURT: In what way, sir?

21 MR. S||||||: I really -- it was bad
22 experiences with these trials and courts. My son did a
23 year and a half in prison. And the system, I just --
24 negatively impacted my opinion on the system.

25 THE COURT: Thank you. Without objection, I'm

1 going to excuse this juror, Counsel. Please call
2 another juror for position number 28.

3 THE CLERK: K||||, M||||, M|||||||, K||||
4 M||||.

5 THE COURT: All right. Mr. M||||, do you know
6 any of these folks in the courtroom? Have you heard of
7 this case?

8 MR. M||||: I have not.

9 THE COURT: All right.

10 MR. M||||: K||||, M||||. I live in Bend,
11 Oregon. I work for Homeland Security as a TSA officer.
12 I've witnessed a lot of crime. I was a law enforcement
13 officer and marshal in North Las Vegas, Nevada, for
14 several years, so. Never been convicted of a crime.
15 Nobody close to me. I have a lot of friends in law
16 enforcement, state, local, federal. Really wouldn't
17 impede my ability to be impartial.

18 THE COURT: Do you work at the Redmond Airport?

19 MR. M||||: I do.

20 THE COURT: Okay.

21 MR. M||||: I've not traveled extensively.
22 Mexico. Got married in Cabo. No accounting,
23 bookkeeping, banking issues. Religious, I'm a
24 struggling Christian, I guess. Never been audited by
25 the IRS. No -- prior experience with the judicial

1 system, not ever as a witness or a juror. I was a
2 bailiff, fill in bailiff when they were sick. And I
3 like to hunt and fish and spend time with my son.

4 THE COURT: All right. Well, you work for the
5 Department of Homeland Security. Could you be as fair
6 to the defendant here as to the government?

7 MR. M//://: Absolutely, I could. I do have a
8 conflict, Your Honor. I -- as of -- if this trial goes
9 on more than two days, I am on Team Oregon to be on
10 alert to be deployed for a hurricane if any hurricanes
11 hit the Atlantic seaboard. I have the documentation if
12 you need to see it. But as of 12:01 a.m. on the 1st,
13 I'm on alert.

14 THE COURT: All right. I'll let you hand the
15 mike along. Thank you. Ma'am.

16 MS. J//://://: My name is K//, J//://://. I
17 live in Springfield, Oregon. I was an elementary school
18 teacher for 32 years, mostly here in Eugene. My husband
19 and son both had their bicycles stolen. And we had our
20 pickup broken into at one time. This has been about
21 15 years ago. Let me see. No one that I know of has
22 been convicted of a crime that was close to me. My
23 first cousin is a judge in Seattle, Washington.

24 THE COURT: Do you know which court?

25 MS. J//://://: Pardon me?

1 THE COURT: Do you know which court?

2 MS. J//: I believe it's King County.

3 His name is Larry Jordan. The officer that checked us
4 in this morning, Phil Roberts, I grew up with him. And
5 I've known him for a good number of years.

6 THE COURT: All right.

7 MS. J//: I have traveled internationally
8 just only to Mexico and Canada. I have no banking or
9 accounting, bookkeeping experience except my own.

10 I'm a practicing Lutheran. I don't have any
11 objection to what anyone else might decide to -- their
12 religious practices. I have never been audited. I've
13 been called a couple of times for jury duty in Lane
14 County, but I've never been on a jury. My husband and I
15 have an RV, and we enjoy camping out and going into the
16 western part of the United States.

17 THE COURT: Great. Thank you. Ms. P//.

18 MS. P//: Good morning. My name is C//
19 P//. I live in Salem. I'm employed with MaPS
20 Credit Union in Salem. I have no military background.
21 I have not been convicted of a crime or witnessed a
22 crime, nor has anyone else I know. I have no friends or
23 close peers or anything in law enforcement. I have
24 traveled to Mexico on vacation. And I don't do numbers
25 at all, even though I work for a credit union. I am a

1 Christian. And I respect other religions as well.

2 Have you -- no experience with the IRS other
3 than paying my taxes. And I have not served on a jury
4 before. And I am married to my lawn mower.

5 THE COURT: Thank you. Ms. C////////.

6 MS. C////////: My name is C//// c////////. And
7 I'm from Salem, Oregon. I work for the Oregon
8 Department of Revenue. I have no military background.
9 My husband does.

10 THE COURT: Tell me what you do for them.

11 MS. C////////: I am an industrial appraiser, so
12 I do work with numbers.

13 THE COURT: Yes, ma'am.

14 MS. C////////: We have been victim of car theft,
15 property crime. Nobody real close to me other than my
16 brother, and he's not real close, has been in trouble
17 because of drugs. No law enforcement officers, don't
18 know any. The only traveling we have done is to Canada
19 for vacation. And I do have, like I said, prior because
20 working with the Department of Revenue, I do have
21 experience with numbers, and I work with bookkeepers and
22 auditors a lot. To each their own on religion. I don't
23 care one way or the other.

24 I've never had any experience with the Internal
25 Revenue. I was on jury duty in Marion County about two

1 years ago for domestic dispute, domestic violence.

2 What I like to do is anything outside, camping,
3 fishing, any of that.

4 THE COURT: All right. Well, what we need to
5 know is whether you could be as fair to a defendant
6 charged with a tax offense as you could the government,
7 because that's part of what we have here today. How
8 would you do on that?

9 MS. C||||||: And I can, because I listen to
10 both sides everyday.

11 THE COURT: All right. Thank you.

12 MS. L||||||: Hi. My name is J||||||, L||||||.
13 I live in Albany, Oregon. I'm currently retired. I was
14 a kindergarten teacher. I have not been a victim of a
15 crime or know of anyone close that has been charged. I
16 do have some friends that are in law enforcement.

17 THE COURT: How close of friends are they?

18 MS. L||||||: Not that close. Have not
19 traveled internationally other than Canada. No
20 experience with accounting. I am a Christian, but I do
21 respect other beliefs. I have not had any experience
22 with the IRS such as an audit. And I have been on the
23 Linn County juror -- jury as a juror approximately two
24 years ago.

25 THE COURT: What kind of case?

1 MS. L||||||: Extortion case.

2 THE COURT: Okay.

3 MS. L||||||: And something I like to do,
4 gardening and working with kids.

5 THE COURT: Wonderful. Thank you. Ma'am.

6 MS. W||||||: My name is M|||||, W||||||, I
7 live on the beautiful Oregon coast in Florence. I am a
8 speech and language liaison for the Siuslaw School
9 District. And I handle all the special ed records
10 there, which will -- if this trial were to go on very
11 long, would be a -- I'm the only one that does that so
12 that might be a hardship.

13 I have two years of college from Southern
14 Oregon College in Ashland. And I personally have no
15 military background. All of my brothers, my nephews are
16 all Navy people. My best friend's son was shot in Iraq.
17 And he survived it but he is disabled.

18 THE COURT: Do you think that would affect your
19 service as a juror?

20 MS. W||||||: No, I don't believe it would.

21 THE COURT: Okay.

22 MS. W||||||: We have been a victim of a car
23 theft, and our issues weren't with the court system but
24 with the insurance company. My brother-in-law has been
25 in and out of prison in several different states for

1 identity theft, drug charges, and other things like
2 that.

3 THE COURT: How do you think that would affect
4 your service?

5 MS. W||||||: Not at all. My husband retired
6 last year. He was a fish and wildlife biologist for the
7 State of Oregon. Because we live in a small town, he
8 was the only fish and wildlife person in Florence, and
9 he shared an office with the State Police. So we are
10 good friends with numerous state police officers,
11 especially the fish and game officers, and I think I
12 would be fine with that as long as we're not having any
13 poaching issues here.

14 THE COURT: None that I know of.

15 MS. W||||||: I've only been to Canada as far
16 as being out of the country. I worked for a bank for a
17 few years many years ago. And I was mostly teller and
18 secretary stuff, so nothing as far as the bookkeeping or
19 that side of the banking.

20 I am a Christian. And I am fine with any
21 religion anybody wants to practice if they are peaceful.
22 No -- well, my brother-in-law who was in prison had IRS
23 issues, but we've never had any, and he deserved those.

24 Let's see, I have been a juror one time about
25 35 years ago in Brookings, and the case was drug

1 trafficking. I like to camp and read nonfiction.

2 THE COURT: Thank you.

3 MS. W////////: And I guess you're going to
4 address later how I might know something about this
5 case?

6 THE COURT: I will, yes.

7 MR. R///; My name is R///// R///. I live in
8 Roseburg. I am a part-time chaplain with Pinnacle
9 Health Care. I have a bachelor's degree with University
10 of Oregon, master's degree with George Fox University.
11 And postgraduate work in cross-cultural communication.

12 I do have a military background. Sergeant,
13 U.S. Air Force, Vietnam era. Was stationed in Spain and
14 in Germany back in the 1960s. I have witnessed crime,
15 that is true. I served as a police officer for a short
16 period of time with the Hines Police Department in
17 eastern Oregon, small town crime.

18 Never charged with anything, never -- the only
19 thing I've ever had was a parking -- or a traffic ticket
20 in California in 1968. Not related to any police
21 persons, nor am I friends with any, or have acquaintance
22 with them.

23 I have traveled, yes. When I was in the
24 military. I have lived in the Philippines for five
25 years. I've lived in Canada for five years. I have

1 traveled to Korea, to Japan, Germany, and France.

2 THE COURT: You said you had some studies in
3 cross-cultural communication. Any particular cultures?

4 MR. R///: Asian.

5 THE COURT: Okay.

6 MR. R///: As a chaplain, I work with many
7 diverse cultures, and persons of various religious
8 backgrounds. That's not an issue. I have no experience
9 with the IRS. We've never had any contact. The only
10 participation in the judicial system would be when I was
11 called as a police officer witness to a federal issue
12 back in 1998 in District Court as a witness. And I like
13 to fish.

14 THE COURT: Great. Thank you. Ms. M////////.

15 MS. M////////: Hi. I'm D////M////////. I am
16 employed as a customer service analyst at the Eugene
17 Water and Electric Board. I live here in wonderful
18 Eugene. I was a victim of a crime when I worked at the
19 credit union, a robbery. My oldest son has had two
20 suspended while driving -- suspended licenses. I am not
21 any friends with any law enforcement officers. I have
22 not traveled internationally. I was a teller in a
23 credit union for ten years, so I have some banking
24 issues.

25 I am a practicing Christian. I do not have any

1 problems with anybody else's beliefs. I haven't had any
2 problems with the IRS. I was a witness at the robbery,
3 I went to court as a witness. And I like spending time
4 with my grandchildren, gardening, reading, and walking.

5 THE COURT: Did the robber confront you in the
6 credit union or someone else?

7 MS. M||||||: I'm sorry?

8 THE COURT: Who did the robber confront in the
9 credit union? Was it --

10 MS. M||||||: Me.

11 THE COURT: Excuse me?

12 MS. M||||||: Me. He had a gun.

13 THE COURT: And when did that happen?

14 MS. M||||||: It's probably been close to
15 20 years ago.

16 THE COURT: Okay. Do you think that would
17 affect your service as a juror?

18 MS. M||||||: No, not at all.

19 THE COURT: Okay. Thank you. Mr. B|||||,

20 MR. B|||||: My name is G||||| B|||||, B|||||,
21 I go by my middle name.

22 THE COURT: Okay.

23 MR. B|||||: I live in Eugene. I have degrees
24 in chemistry from Willamette University in Salem and
25 Arizona State University. I worked for many years at

1 the University of Oregon as a research associate in the
2 chemistry department. I am now retired. I don't know
3 anyone who has been charged with or convicted of a
4 crime. And I am not related or know anyone who is a law
5 enforcement official.

6 My wife and I made one quick trip to England in
7 1985. And we've been to Canada a few times. That's our
8 only international traveling experience.

9 I have done no accounting or bookkeeping. As
10 far as religious feelings go, I am an agnostic. My wife
11 is much more spiritual than I am. And I'm easy with
12 that.

13 I have not been audited by the IRS. And this
14 is my first trip to the court. I've never been called
15 before in all these years.

16 THE COURT: It's a beautiful courtroom, isn't
17 it?

18 MR. B////////: It is. First class.

19 THE COURT: I agree. I designed it.

20 MR. B////////: I do aerobics at the Y. And I
21 really like it. And I also enjoy growing peach trees.

22 THE COURT: Okay. Great. Now, members of the
23 jury panel, we're going to take a ten-minute break.
24 During this break, there are a few of you that I'm going
25 to want to see individually. They include Ms. W////////,

1 Ms. W/////, Ms. C/////, and Ms. T/////. And so -- yes,
2 sir.

3 MR. S/////: Your Honor, you asked a number of
4 people about familiarity with the case, I probably
5 should disclose that we're family friends with one of
6 the lawyers in Mr. Matasar's firm, spent the weekend
7 with them.

8 THE COURT: Hang on a second, please. Hang on
9 a second. And who is that person?

10 MR. S/////: K/////, J/////.

11 THE COURT: Okay. So here are the -- we
12 have -- once you get to court, we have rules for
13 everything. And I'll hopefully be very kind with them,
14 but the rule is no talking about the case during this
15 break. All right? And if you need to use the
16 facilities for a health break, that sort of thing, go
17 ahead. But we're going to be pretty prompt with this
18 also. And if you are one of those people I named, then
19 we're going to be looking for you, so -- in a nice way,
20 of course. Very nice people will come and get you. And
21 so I'd like to see counsel and the reporter in the jury
22 room. Thank you.

23 (Proceedings were held outside the presence of
24 the venire in the jury room at 11:38 a.m.)

25 (Present in the room are Mr. Cardani,

1 Mr. Gorder, Mr. Matasar, Mr. Wax, Defendant Sedaghaty,
2 Colleen Anderson, the Court and court staff.)

3 THE COURT: Ms. W/////, right?

4 MS. W/////: Yes.

5 THE COURT: Okay. Great. Don't be unduly
6 nervous that you are here. But there are some things we
7 have to ask without everyone hearing. And I'm pretty
8 relaxed. I have my -- the first Duck Club is today. So
9 I hope to get out of here by 12:00.

10 I think you said you heard something about the
11 case?

12 MS. W/////: I read in the newspaper several
13 months ago about the case. And it -- from Ashland,
14 but -- and then there was something in the paper
15 yesterday, and I read the headlines, but I didn't read
16 the article because I knew I would be coming here today.

17 THE COURT: All right. Perfect.

18 MS. W/////: And then it was on the radio twice
19 this morning, that they would be starting this trial.

20 THE COURT: All right. Well, my question,
21 then, for you is really pretty simple, you've already
22 done what I'd ask you to do and that's try to stay away
23 from the news during the trial.

24 MS. W/////: Right.

25 THE COURT: And could you set aside anything

1 that you remember from the news articles?

2 MS. W/////: I didn't read them very thoroughly
3 but I -- you know, I read it, and -- but then nothing
4 happened or appeared.

5 THE COURT: Yeah. Does it cause you any pause
6 to think you could be fair to both sides?

7 MS. W/////: Right, it wouldn't cause me that.

8 THE COURT: Thank you. If you are on the jury,
9 what I'd ask is that you not talk to other jurors about
10 this. At the end of the case, you can talk to whoever
11 you want about anything. But -- and I will tell
12 everyone to stay away from news reports, but that's
13 really all I have. Thank you very much.

14 MS. W/////: Okay.

15 (Ms. W//// exits the room.)

16 THE COURT: Our next person, please.

17 (Ms. C//////// enters the room.)

18 THE COURT: Thank you. And, Ms. C////////,
19 right?

20 MS. C////////: Uh-huh.

21 THE COURT: Great. Please try not to be
22 nervous that you're in here by yourself. There's
23 nothing unusual about it. But we have some things I
24 need to ask you about when you are not with the other
25 people on the jury panel.

1 MS. C||||||: Okay.

2 THE COURT: You indicated you heard something
3 about the case. Can you tell us about that.

4 MS. C||||||: I heard on public radio coming in
5 that the case was going to be tried today. And I,
6 having just been in Ashland, was impressed because I was
7 surprised that there was a case of this nature in the
8 State of Oregon. I had not been aware. And then there
9 was some chitchat among the group as we waited about
10 whether or not this was the case, et cetera.

11 THE COURT: All right. Is that the only
12 information you've heard from the press about this?

13 MS. C||||||: Well, I knew that there was --
14 well, I sort of -- no, I can't say that yes with this
15 case I was aware of that.

16 THE COURT: Okay. Had you read anything in any
17 publication about it?

18 MS. C||||||: About this particular case?

19 THE COURT: Yes.

20 MS. C||||||: No.

21 THE COURT: All right. Do you think you could
22 set aside what you heard on the news report with regard
23 to your work as a juror in the case?

24 MS. C||||||: I don't know that the news per se
25 would have had an impact upon me. I have become more

1 cynical with age. And I am not convinced that as a
2 culture or as a society that we are as protective of --
3 in other words, I tend to be -- and this sounds terrible
4 and I hate even to admit it, but I think we tend to
5 believe that everyone is innocent until we prove them
6 guilty. And there are some situations where I think
7 people need to prove to me that they are innocent,
8 because the preponderance of my previous exposures to a
9 particular situation may lead me to believe that we
10 can't always start out being objective.

11 THE COURT: Okay. There are two things that
12 are really important for a juror to accept. One is the
13 presumption of innocence. Whether someone is guilty or
14 not, the government has to prove that they are guilty.
15 And they have to prove that they're guilty by proof
16 beyond a reasonable doubt. You used the word
17 presumption, which is a word we use in civil cases, but
18 not in criminal cases.

19 Do you think you could accept those two matters
20 of law because the juror really needs to be able to do
21 that?

22 MS. C||||||: Okay. I guess I'm not certain.
23 The second part of your question, are you asking me if I
24 would be able to accept --

25 THE COURT: No. What I'm saying is this:

1 Could you follow what I'm going to tell you, and what
2 I'll tell everyone, not just you.

3 MS. C||||||: Okay.

4 THE COURT: Someone is presumed innocent unless
5 and until the government proves that they are guilty by
6 proof beyond a reasonable doubt. The government has to
7 prove it. And a defendant does not have to testify or
8 put on any evidence. It's the government's burden.
9 Just with regard to the burden, do you think you could
10 accept that?

11 MS. C||||||: That they have to prove it?

12 THE COURT: That's right.

13 MS. C||||||: I suppose.

14 THE COURT: And do you think that you could
15 accept the other important principle of law here is they
16 have to prove it and prove it by proof beyond a
17 reasonable doubt.

18 MS. C||||||: So that that would automatically
19 involve some subjectivity?

20 THE COURT: Well, what you do is you take the
21 law as I give it to you, if you disagree with it, you
22 have to follow the law as I give it to you. And then
23 you weigh the evidence. That's how you reach a verdict.
24 And -- but the government has to prove each element of a
25 particular charge by proof beyond a reasonable doubt.

1 You have to evaluate. So it could be that aspects of
2 that would be subjective, because you have to evaluate
3 whether you believe a witness and all that sort of
4 thing. But the government's burden is to prove the case
5 by proof beyond a reasonable doubt. While at the same
6 time the defendant has the advantage starting out of
7 being presumed innocent until they are proven guilty.

8 Do you think you could follow that sort of
9 direction?

10 MS. C////////: You know, I guess as I reflect on
11 this and my previous jury experience, I think the beyond
12 a reasonable doubt does bother me, because life does
13 usually do not happen that way. There is always some
14 level of doubt. Jurors get into these -- you know, one
15 person is absolutely convinced that not all of the
16 evidence has been proved beyond a reasonable doubt, but
17 99.9 percent of it has been without -- yeah, so it does
18 disturb me that we have to go by that.

19 THE COURT: Well, I don't have anything more,
20 Counsel. Do you have any follow-up?

21 MR. WAX: I do, Your Honor, depending on --

22 THE COURT: I don't think so. I -- it's -- I
23 really think that it's probably fair to Ms. C//////// if
24 she be excused for cause.

25 MR. WAX: Thank you.

1 THE COURT: Thank you very much, ma'am. Have a
2 great day.

3 (Ms. C//////// exits the room.)

4 THE COURT: And then if I can see Ms. W////////.

5 On another matter, Mr. Matasar, what do you
6 know about Mr. S//////// relationship with your firm?

7 MR. MATASAR: What I know is that I got an
8 e-mail saying that someone that she knew was going to be
9 in the jury pool, and his name -- the name I wrote down
10 was John Steens. It must have misread it. So I was
11 looking, of course, to see if he was on here. And then
12 I see J////, S////. And I just thought that you had
13 summoned 200 and only put 80 in the courtroom. And I
14 did not think this was the guy, but it must be.

15 THE COURT: Probably is.

16 MR. MATASAR: I'm sure it is. He said Krista
17 Johnson. Her name is Krista Shipsey. So there is some
18 name issues here, so I don't know how close they are,
19 but --

20 THE COURT: Well, he wants off the jury quite
21 badly.

22 MR. MATASAR: Yes. He remembered this at the
23 end when you didn't say that he could get off because he
24 was doing something next week.

25 THE COURT: That's right.

1 MR. MATASAR: He's going to be my best friend
2 now.

3 THE COURT: His body language went away, that's
4 for sure.

5 MR. MATASAR: That is what's happening. But I
6 don't know him. I don't know how well Krista knows him.

7 THE COURT: Did he say he was on a weekend camp
8 out with her?

9 MR. MATASAR: I don't know if it was a camp
10 out, but I think they spent this weekend together. I
11 don't know what it was. I've been busy on this case. I
12 don't know what she did. But she and I are very close,
13 law partners, been working for five years together.

14 THE COURT: That's all I need to know.

15 MR. WAX: Judge, if you are going to be
16 excluding that person, I think that Ms. T// who said
17 she is a friend of Greg Nyhus's and always believes
18 everything they said, that that person should probably
19 also go as well.

20 THE COURT: Yeah. You'll have to take her.
21 I'm not going to do that one for you. These are a
22 different group of people.

23 MR. GORDER: Your Honor, I do have a note that
24 she said that she knows something about the case, so I
25 don't know if she's on your list.

1 THE COURT: She's going to come in on that.

2 (Ms. W////////, enters the room.)

3 THE COURT: Ms. W////////, please have a seat.

4 Please try not to be nervous about being here by
5 yourself. I took my robe off so I could seem a little
6 bit more accessible.

7 MS. W////////: Thank you.

8 THE COURT: All right. There are some
9 questions I have to ask when you are not with the
10 people. You mentioned knowing something about the case
11 and -- or learning about it. Tell us about that.

12 MS. W////////: Well, because I grew up in the
13 Rogue Valley so when -- I don't remember how long ago
14 now, several years ago is when the -- I believe this is
15 the case -- when the businesses or whatever were raided
16 there to -- because my understanding at that time from
17 reading about it was that they thought that money was
18 being funneled to -- being forwarded to terrorists
19 overseas. And so then I hadn't heard anything about it
20 for a while. And on the way to court this morning, I
21 heard on the news that federal court today was going to
22 be trying this case. And that's when I thought, oh,
23 well, that's the case that it was, so that's about it.

24 THE COURT: That's great. Now, here is
25 something I'll be telling all the others, but in a case

1 like this, the defendant is presumed innocent unless and
2 until proved guilty by proof beyond a reasonable doubt.
3 So they start -- it starts at zero. The government has
4 to prove everything. And what is said in the press,
5 which is sometimes accurate and sometimes not --

6 MS. W////////: And I am aware of that.

7 THE COURT: -- doesn't count. Do you think you
8 could set aside what you heard on the press release?

9 MS. W////////: I think I could. And most of
10 what I read was a number of years ago, too. So I don't
11 even have any -- you know, it triggered some of those
12 memories, but I don't have any opinion about it.

13 THE COURT: All right. I would ask that if you
14 are on the jury that you not discuss having heard those
15 news reports until after we have a verdict. And then
16 you can talk to -- the First Amendment applies then.
17 You can talk to anyone you want about anything. Okay?

18 MS. W////////: Okay.

19 THE COURT: Thank you.

20 (Ms. W//////// exits the room.)

21 THE COURT: Ms. T////.

22 (Ms. T//// enters the room.)

23 THE CLERK: Right through here. And I'll have
24 you take a chair next to the court reporter. And this
25 is K////////, T////.

1 THE COURT: Please try not to be -- have a
2 seat. Just because you are in here by yourself, it's
3 just there are some things I need to ask people about
4 when, you know, they are not with the other members of
5 the jury panel.

6 MS. T'/////: Right.

7 THE COURT: And you mentioned early on that
8 you -- it was either the defendant or the case that you
9 had some awareness of.

10 MS. T'/////: I'm from southern Oregon. So
11 anything that happens down there, because my family is
12 still there --

13 THE COURT: Yeah.

14 MS. T'/////: -- it gets to me. I've read all
15 the newspapers. And I have actually relatives that know
16 Pete.

17 THE COURT: All right.

18 MS. T'/////: I think I would be a biased juror.

19 THE COURT: Well, that's -- only you can tell
20 us that.

21 MS. T'/////: I can tell you that.

22 THE COURT: All right. Thank you very much.

23 MS. T'/////: Uh-huh.

24 (Ms. T'///// exits the room.)

25 THE COURT: All right. Ms. T'///// is also

1 excused for cause.

2 I'm drawing to an end. I'm going to look
3 through your requests again, but any areas you want me
4 to do any more in, fellas?

5 MR. CARDANI: Judge, I just had some follow-ups
6 on particular jurors about the nature of their
7 employment that I wasn't able to understand or they
8 didn't say. I can do that individually or --

9 THE COURT: And, Mr. Wax?

10 MR. WAX: I would like to ask a number of the
11 people who said that they have concerns about religious
12 fanatics, angst about the Muslim religion, a number of
13 things like that. I think that a number of those people
14 need to be asked some questions about that.

15 THE COURT: I'll give you up to 15 minutes.

16 MR. WAX: Thank you.

17 THE COURT: You'll be happy if you stay away
18 from leading questions. I don't want speeches to the
19 jury.

20 MR. WAX: I will not speak -- I will not give
21 speeches. I will speak.

22 THE COURT: All right.

23 (Proceedings were held in the courtroom with
24 the venire present at 12:00 p.m.)

25 THE COURT: We'll go back on the record.

1 Members of the jury panel, we're going to work a little
2 bit into the lunch hour today because I do want to get a
3 jury. We will take a break, though. If it were just
4 lawyers, I might not, but I will since you are here. We
5 need a new juror for position number six, please.

6 THE CLERK: W|||||, V||||||, V|||||||||,
7 Ms. V||||||, if you would please step forward and fill
8 seat number six, which is the empty chair in the first
9 row.

10 THE COURT: Hang on just a minute.

11 (Discussion held off the record between the
12 Court and Clerk.)

13 THE COURT: Ms. T||||| and Ms. W||||||, I'm
14 going to excuse you from the jury. Please call another
15 juror for position number 12.

16 THE CLERK: L|||||, B|||||, B|||||||. L|||||
17 B|||||, Ms. B|||||, if you would please have a seat in
18 our position number 12.

19 THE COURT: And for position number 33. Thank
20 you, ma'am. Perfect.

21 THE CLERK: J|||||, M|||||||, M|||||||||||||,
22 J||||| M|||||||. Can you help me with the pronunciation?

23 MR. M|||||||: That's great.

24 THE CLERK: Am I right? Thank you.

25 MR. MATASAR: Whose seat did he take?

1 THE CLERK: Thirty-three.

2 THE COURT: That's 33. And, Mr. S|||||, you
3 told us that you're friends -- perhaps good friends with
4 a lawyer in Mr. Matasar's law firm; is that correct?

5 MR. S|||||: Correct.

6 THE COURT: Do you think that would affect your
7 serving as an unbiased juror in this case?

8 MR. S|||||: I would obviously try not to let
9 that influence my judgment, but we did have some
10 discussions when she learned that I was going to be
11 serving on jury duty, so I did learn some details of the
12 case.

13 THE COURT: You discussed with her that you
14 would be coming for this jury panel?

15 MR. S|||||: Yes.

16 THE COURT: Without objection, I'm going to
17 excuse Mr. S||||| for cause also. Please give us
18 another juror for position number seven.

19 THE CLERK: W||||| T|||||, T|||||||||||,
20 W||||| T|||||,

21 THE COURT: All right. Thank you. Now, for
22 those who are newly up in front here, have you heard of
23 this case or do you know any of these people?

24 NEW PROSPECTIVE MEMBERS: (Shaking heads.)

25 THE COURT: And then so -- do we have -- for

1 those in the front row, would you hand them -- we'll
2 give you these areas people have been talking about.
3 And you can tell us about those. And we'll start with
4 you, Ms. V////////.

5 MS. V////////: My name is W////, V////////.

6 THE COURT: Yeah, it's not on. We'll get it.

7 MS. V////////: My name is W////, V////////.

8 THE COURT: There we go.

9 MS. V////////: My name is W////, V////////. I
10 live in Myrtle Creek, Oregon. My employment is a
11 special ed assistant at an elementary school. I have a
12 two-year degree at a community college in business
13 administration. I have no military background. I have
14 never witnessed a crime or been a victim of a crime.

15 Never been charged with a crime, or anyone close to me.

16 We have a casual friend that's a deputy sheriff
17 officer in Douglas County, but we don't have close
18 contact. He was my son's wrestling coach and was in the
19 same high school, so -- when we were young.

20 I have been to Mexico on a vacation 25 years
21 ago. And 30 years ago, I traveled in Scandinavia and
22 Norway visiting relatives.

23 I am -- let's see, banking and accounting, I do
24 the household banking for the family. I do the books
25 for a very small corporation. My husband is the only

1 employee. And I -- we have an outside accountant to do
2 the tax returns. I just do his monthly payroll myself.

3 And I have no strong feelings regarding
4 religious practices. Grew up in the Presbyterian Church
5 but don't go as an adult.

6 No experience with the IRS as an audit. I've
7 never been a party to -- a witness as judicial system,
8 but I was a juror about three years ago in Douglas
9 County.

10 THE COURT: What kind of case was it?

11 MS. V||||||: It was resisting arrest and
12 assaulting an officer, a local issue, and it was
13 resolved.

14 THE COURT: Okay.

15 MS. V||||||: I love gardening, canning, and
16 baking.

17 THE COURT: Thank you.

18 MS. V||||||: Home things. Thank you.

19 THE COURT: Good. Mr. T||||||,

20 MR. T||||||: My name is W||||| T|||||. I
21 live in Salem, Oregon. I have a military background. I
22 served in the Marine Corps during Desert Shield, Desert
23 Storm, 1990 through '94. I have been a witness to a
24 multitude of crimes. Has to do with my profession. And
25 I'll elaborate on that a little bit farther down.

1 Been charged or convicted of a crime, not since
2 high school. Criminal trespass. I got suspended from
3 school. Went to see my girlfriend at lunch break, and
4 the vice principal saw me, so that was that. Law
5 enforcement, I know multiple people in law enforcement,
6 federal, state, and local law enforcement, in multiple
7 cities and jurisdictions.

8 Traveled internationally, yes. Military
9 deployments. I've been to Japan, Mexico, and Canada.

10 THE COURT: Which countries were you in on your
11 deployments?

12 MR. T//: We were in Kuwait, that would
13 have been '91, '91, '92. I was in Japan. That was
14 pretty much it, just those two.

15 THE COURT: All right. But your time in the
16 area was in Kuwait?

17 MR. T//: Yes.

18 THE COURT: Was there anything about that time
19 that would make you favor someone from that area or
20 disfavor them in any --

21 MR. T//: Honestly, I would say disfavor.
22 I kind of have a distrust --

23 THE COURT: Okay.

24 MR. T//: -- if that person is from that
25 area.

1 THE COURT: All right.

2 MR. T||||||: Accounting, bookkeeping, no, I do
3 my own bookkeeping. Basic stuff, really.

4 Strong feelings regarding religious, yes, like
5 I said, I have issues with Muslims. It's not -- it's
6 just a general distrust. It's not a hatred or a
7 vendetta or anything like that. It's just --

8 THE COURT: I want to commend you for being
9 honest with us, but, frankly, probably you shouldn't be
10 on this jury then, so without objection, Counsel, I'll
11 excuse Mr. T||||||. Thank you. They'll come and get
12 the microphone. Thank you very much, sir.

13 If we could call another juror for position
14 number seven, please.

15 THE CLERK: M||||, H||||, H|||||||. M||||, H||||,
16 Ms. H||||, if I can have you please come up and be
17 seated at chair number seven.

18 THE COURT: Go ahead and get your breath there,
19 and then tell us have you heard of this case or do you
20 know any of the people here?

21 MS. H||||: When I was driving from Roseburg
22 this morning, they said that the case was happening in
23 federal court, so I thought maybe this was it.

24 THE COURT: Okay. Could you set aside anything
25 they said on the radio, and decide the case based on

1 what you hear of the evidence and what the law is that I
2 give to you?

3 MS. H///: Yes.

4 THE COURT: All right. Thank you.

5 MS. H///: My name is M/// H///. I live in
6 Roseburg, Oregon. I'm a retired teacher. I went to
7 Michigan State, University of Oregon, Portland State.
8 My mom was a victim of a robbery.

9 THE COURT: When was that?

10 MS. H///: Pardon?

11 THE COURT: When was that?

12 MS. H///: Let me see, maybe about 15 years
13 ago, in the Detroit area of Michigan. And then she --
14 somebody tried to grab her purse at another time. I
15 am -- I've been married. I was married to a defense
16 attorney for about 15 years, Tom Bernier. And I know a
17 lot of -- you know, I still have friends that are
18 attorneys. I know a lot of the court --

19 THE COURT: Do you think --

20 MS. H///: -- in Douglas County.

21 THE COURT: Do you think that would cause you
22 to favor one side or the other in a case like this?

23 MS. H///: I don't know, because I had a
24 pretty bitter divorce, and I wasn't real thrilled with
25 some of his friends.

1 THE COURT: All right. Well, I don't -- we're
2 not going to get into divorces here, but do you think --
3 that doesn't have anything to do with a case like this,
4 of course, but only you can tell us whether you think
5 you could be fair and balanced on this.

6 MS. H///: I don't know, Your Honor, because I
7 was in a case -- I don't know, it was a long time ago,
8 and the jury, we acquitted the people, and then I found
9 out later that they were guilty, you know, so I -- I
10 don't know if I -- you know if I can believe. I mean,
11 I'm not sure. So I'm trying to be honest here.

12 THE COURT: You are the only one who can tell
13 us. We don't get to speak for you. So what do you
14 think your best answer is on that?

15 MS. H///: I don't know. I try to be fair and
16 balanced, you know, fair and impartial, but I'm not
17 sure.

18 THE COURT: Okay. Thank you.

19 MS. H///: Let's see, I've traveled
20 internationally. I've been through Europe. I have a
21 son who lives in Switzerland right now. You know,
22 Mexico, Canada, Caribbean, et cetera. I do not have any
23 experience with accounting. Math is not my strong
24 subject. I am basically an agnostic. So I think people
25 can just do -- you know, believe what they want. Never

1 had an audit. And my prior experience is kind of what I
2 just told you, then being, you know, on that jury.
3 Something I like to do. Well --

4 THE COURT: What was that case about?

5 MS. H///: It was about these people stoled
6 (sic) logging equipment from other logging companies,
7 and then repainted them, or took the numbers off, and
8 everything to, you know -- they couldn't -- the other
9 people couldn't get their property back.

10 THE COURT: All right.

11 MS. H///: Basically since I've been retired,
12 I like to travel and I like scrapbooking.

13 THE COURT: Thank you. If we can get those
14 over to Ms. B///.

15 MS. B///: My name is L/// B///. I live in
16 Aumsville, Oregon. I have a two-year business
17 education. I worked 30 years at a medical office. We
18 were personally burglarized at home. A couple of
19 saddles were stole, so no big deal. I don't know of
20 anyone that's been charged with a crime, and I've never
21 been charged with a crime. I do not have any friends in
22 law enforcement.

23 I've traveled to Mexico and Canada. I did
24 bookkeeping, accounting in the office, but we sent
25 everything to a CPA. I have -- I respect other people's

1 religion unless they are violent. I've never had any
2 experience other than taxes with the IRS. Never been
3 audited. I have been on a jury before. It was for
4 domestic violence about five years ago. I love the
5 outdoors. Love to spend time with my grandchildren.
6 And I like to travel.

7 I do have a conflict next week -- or this week.
8 I'm supposed to be watching my grandchildren, and we
9 have reservations at the coast.

10 THE COURT: All right. Thank you.

11 Mr. M////////;

12 MR. M////////: My name is J////, M////////. I
13 live in Corvallis. I manage an apartment complex out
14 there, Oak Vale. I go to Oregon State for forestry. Me
15 or nobody close to me have been committed or witnessed a
16 crime. Never been charged or convicted. I know a
17 couple of police officers, first name basis in
18 Corvallis. I've been to Canada. No bookkeeping except
19 for my own personal banking. To each his own as far as
20 religion. I actually have been audited once. It was a
21 misunderstanding with my mother. She decided to claim
22 me as a dependent one year. And I have no prior
23 experience with the judicial system. And I am a fisher,
24 hunter, outdoorsman.

25 THE COURT: All right. Thank you. You can go

1 over and get the microphone. Now, members of the jury,
2 here are some basic things about serving on a jury.
3 It's my job to decide what the law is. And it's your
4 job to judge the facts. So I judge the law. You judge
5 the facts. You need to be able to accept the law as I
6 give it to you whether you agree with it or not. And
7 then you decide the facts. And you apply those fact to
8 the law. That's how you get a verdict in the case.

9 There are two parts to the law we just want to
10 mention before we get started here. They are both
11 foundational to our work here. The first is that the
12 defendant is presumed to be innocent. That means in
13 part the defendant does not have to testify or put on
14 any evidence and you can't hold that against them.

15 It's the government's obligation to prove the
16 charges. And they must prove the charges, the second
17 part is equally as important, by proof beyond a
18 reasonable doubt. That is a pretty high standard.

19 And so the defendant is presumed innocent
20 unless and until proved guilty by proof beyond a
21 reasonable doubt.

22 Are there any of you who think you would have
23 any trouble applying those principles of law, because
24 they definitely are principles of law that we have to
25 apply here? Is there anyone at all?

1 Okay. Counsel, if you have follow-up, go
2 ahead. You may have 15 minutes each.

3 MR. CARDANI: Judge, I just have a few
4 questions. And apologize, I don't know which numbers,
5 but Ms. O|||||||;

6 (Reporter interruption.)

7 MR. CARDANI: I was asking Ms. O|||||||, I
8 couldn't hear what you did for Harvey Price. I thought
9 I heard estimator.

10 MS. O|||||||: Yes. I'm a commercial HVAC
11 estimator.

12 MR. CARDANI: I don't know what that is.

13 MS. O|||||||: You look at blueprints. You
14 design heating and air conditioning systems.

15 MR. CARDANI: Is it Ms. D|||||||? I see here
16 that you retired from the State of Oregon. And my
17 question for you is, what did you do with the State of
18 Oregon?

19 MS. D|||||||: For a number of years, I was a
20 welfare worker. And then I went into information
21 systems, and was a computer software trainer with the
22 Department of Human Services.

23 MR. CARDANI: Thank you. Mr. M|||, a similar
24 question. I heard you work for Peace Health, and I'd
25 like to know what -- in what capacity.

1 MR. M///: I work as a Web content coordinator.
2 Basically do the Internet and Intranet work.

3 MR. CARDANI: Thank you. Ms. C/////////, I hear
4 that you're -- I see that you are retired. And I would
5 like to know -- if you haven't said it, I might have
6 missed it, what did you do before that?

7 MS. C/////////: I was executive assistant and
8 worked for real estate developers.

9 MR. CARDANI: Thank you. Right next door,
10 Ms. K////////, did I get that right? Your husband is an
11 attorney in Roseburg?

12 MS. K////////: That's correct.

13 MR. CARDANI: What type of work?

14 MS. K////////: Civil at this point. He started
15 his career with criminal defense, but he represents
16 school districts, does some SBA work.

17 MR. CARDANI: Thank you. Judge, that's all the
18 follow-up I have.

19 THE COURT: Thank you.

20 MR. WAX: Ms. H///, if I understood you
21 correctly, you said that as a result of the experiences
22 you had going through the divorce and some other
23 experiences, that you would try to be fair but you
24 weren't sure.

25 MS. H///: Okay. Well, when I -- okay. When

1 I was going through the divorce, I mean --

2 MR. WAX: I'm not -- I don't want to ask you
3 about the divorce.

4 MS. H/////: No, no, I know, but I'm just saying
5 that some of the -- well, I don't know how to put this.
6 Sometimes attorneys can change things around. It's not
7 that they are being dishonest, but they are not exactly
8 telling you everything.

9 MR. WAX: Do you think that that would be true
10 potentially for prosecutors as well as defense
11 attorneys?

12 MS. H/////: Probably with both sides.

13 MR. WAX: Okay.

14 MS. H/////: I think it's like a game to you
15 guys.

16 MR. WAX: Well, it's a very serious matter for
17 my client. And the question is this: If you are not
18 sure, we need to know whether or not, as the judge has
19 said, you'll be able to follow the instructions, or
20 whether you are going to bring some of that feeling
21 about gamesmanship into this process, and whether it
22 would be better for you not to either subject yourself
23 to it or my client or the system.

24 MS. H/////: I think probably that would be a
25 good thing to not be a juror.

1 MR. WAX: Your Honor, we would ask you to
2 excuse --

3 THE COURT: Go on to your next witness -- or
4 your next juror, please.

5 MR. WAX: Ms. B////, did I understand you
6 correctly to say that you respect religion generally
7 unless it's violent. Could you say a little bit more
8 about that, please?

9 MS. B////: Well, I guess I feel that if a
10 certain religion, they are violent against other people,
11 that they are not very religious, and I don't respect
12 them.

13 MR. WAX: Do you have any particular feelings
14 with respect to Islam and violence or jihad in Islam?

15 MS. B////: Jihad, yes. Islam, I don't think
16 they are generally bad, but I don't believe in violence.

17 MR. WAX: Okay. In this case, there is going
18 to be some discussion about religion. There is going to
19 be some discussion about Islam. There are going to be a
20 number of exhibits that the jury will see that discuss
21 various aspects of Islam and that espouse different
22 points of view. And the question that I have is whether
23 or not the feeling that you have might make it difficult
24 for you to fairly and objectively assess the issues in
25 this case as they relate to my client.

1 MS. B'///: I would say that's possible.

2 MR. WAX: Mr. Y'///, let's see, where --

3 Mr. Y'///, there. Hello, Mr. Y'///. The note that I
4 took when you were speaking said that the Muslim
5 religion causes you some angst. Could you talk to us a
6 little bit more about that, please.

7 MR. Y'///: Well, I get a little irate when
8 this -- assimilation bit. You know, they come over here
9 and don't want to assimilate. And that's basically it,
10 they --

11 MR. WAX: My client, you are going to learn, is
12 Muslim. And you are going to be hearing, as I said, a
13 number of things about the religion from a number of
14 witnesses. And you'll see a number of exhibits. And we
15 need to know, please, whether or not your feelings are
16 going to affect your ability to look objectively at the
17 facts, and perhaps tip the scales a little bit. That's
18 the concern that we have. And I'd appreciate if you
19 could speak to that.

20 MR. Y'///: It might. It might.

21 MR. WAX: Okay. As the judge said to a number
22 of the other prospective jurors, you are the one who
23 knows whether or not when you say "it might," that --
24 you are telling us that at least on the defense side
25 here representing Mr. Seda, that that should be a

1 concern for us.

2 THE COURT: Actually, let's put it a different
3 way. Do you think you could be as fair to the defendant
4 as to the government here?

5 MR. Y//://: Well, being in law enforcement for
6 22 years, I have not known any policeman that left the
7 station on duty with the idea of going out and arresting
8 somebody just for the heck of it. So I believe that
9 this guy reaching this point has some culpability.

10 THE COURT: Thank you. Go on to the next
11 juror, please.

12 MR. WAX: Ms. D//://, similar questions for
13 you, ma'am. If I heard you correctly with respect to
14 religion, your comment was you don't have some patience
15 with fanatics.

16 MS. D//://: Correct.

17 MR. WAX: Can you talk to us a little bit more,
18 please, about your feelings, what you mean by that, and
19 how that might play into your viewing the evidence in
20 the case where there will be evidence about the
21 religion, and you will be reading or seeing some words
22 that some people, perhaps, would consider extreme or
23 fanatic. How can you assess that? Can you talk to us,
24 please.

25 MS. D//://: Whether it's the Sierra Club for

1 wildlife or religion, atheist, I have no patience for
2 fanaticism in any way. And that would certainly color
3 any decisions that I made.

4 MR. WAX: In this case, if you see some
5 documents that appear to you to be expressions of what
6 you believe to be fanaticism, is that going to make it
7 difficult for you to maintain objectivity?

8 MS. D////////: One or two isolated documents in
9 a week or two of stuff, no.

10 MR. WAX: How about a whole series of them?

11 MS. D////////: Whole series of them? Probably.

12 MR. WAX: Thank you. Ms. D////////, I want to
13 make sure my notes are in the right place here. You are
14 the prospective juror who is the rancher?

15 MS. D////////: Yes.

16 MR. WAX: Okay. With respect to religion, I
17 heard you say something about if everyone is peaceful,
18 it's okay, but if they are trying to kill you, can you
19 talk to us, please, a little bit more about your views,
20 what you mean by that, and how that might affect
21 deliberations in this case.

22 MS. D////////: I'd be glad to. The question
23 was to me whether -- about religion, and I shared that
24 I -- I should have said struggling Christian. The
25 question isn't about religion, or unless it is, I don't

1 believe that the -- say the Muslim religion should get
2 any special rights as to the law as a Christian or a
3 Methodist or a Catholic or whatever, so I don't think
4 there is any special, you know, exception because of
5 religion. I think we should follow the law. And that's
6 the way I'd look at it, so.

7 MR. WAX: The question that I'd like to
8 follow-up with, please, is in this case, as I've
9 indicated, you are going to be seeing a number of
10 documents and hearing things. The government will
11 present something it says it's a call to jihad, a call
12 to violent struggle, and there will be discussion by
13 people about the meaning of the word jihad, just what it
14 is.

15 And what I'm wondering is whether your view of
16 religion, whether your view of Islam would in any way
17 affect your ability to be objective and decide, does
18 this relate to Mr. Seda or not? And decide the issues
19 in this case objectively, because there are going to be
20 some very tough questions for you to decide. Who did
21 what? Who said what? Who meant what? Things like
22 that. Which require some objectivity in the face of
23 some language or some photographs that you might find
24 incendiary. So that's what we're trying to figure out.

25 And I hope all the jurors are listening,

1 because if anyone has something to say about this,
2 please let us know, but there are something that you
3 said that caused me to put this question to you.

4 MS. D||||||: Yeah, I was pretty -- and
5 probably from my background, I'm pretty blunt. I don't
6 know a Muslim, you know. The only Muslim, you know, is
7 9/11 and what our country has gone through, so I think
8 all experiences do influence you somewhat. You know,
9 you never know, I would think I would be objective, but
10 especially -- you know, I just can't see how religion --
11 we want to deal with the facts, you know. And I don't
12 know what the case is all about, but, you know, I'm more
13 black and -- black and white.

14 MR. WAX: So your sense is, am I hearing, that
15 you believe that you would be able to maintain
16 objectivity. Some of the other people have said, well,
17 gee, I've got a question or so, I'm not sure I'm hearing
18 that, and you, I just want to be sure --

19 MS. D||||||: I think I would be objective.

20 MR. WAX: Thank you very much.

21 Is it Mr. P|||||? Where are we? Mr. P|||||,
22 two things I'd like to follow-up on with you, sir,
23 please. One, if I took my notes correctly, you made a
24 reference to religions and advocating violence, but then
25 at the end when the judge asked whether or not you could

1 be fair to both sides, at least my perception was there
2 was a long hesitation. And that caused me concern. And
3 that's why this question. Talk to us, please, a little
4 more about religion, Islam, what you've heard me saying.
5 Let's start there, sir.

6 MR. P//://: Okay. In terms of religion if you
7 want to go with history, Christianity was -- at least in
8 part responsible for the Spanish Inquisition. If you go
9 back to the Crusades, Christianity and Islam both had a
10 part in that. And recently there has been jihad against
11 us, lesser jihad.

12 As I understand it, Islam, there is a
13 discussion over greater jihad and lesser jihad. Greater
14 jihad being the struggle against yourself, to improve
15 yourself; and lesser jihad being struggle against your
16 enemies, and specifically the enemies of Islam, I think,
17 is the interpretation I've heard.

18 MR. WAX: In this trial there will be presented
19 some documentary evidence and also some experts
20 testifying about some of those issues. And I anticipate
21 you may hear an expert talking about jihad, greater
22 jihad, lesser jihad, the personal struggle, et cetera.

23 Can you tell us a little bit more about your
24 background. I'm intrigued that you've mentioned this.
25 Have you studied Islam? Have you studied religions

1 generally?

2 MR. P|||||: I'm familiar with it. One of my
3 friends is a Catholic monk. I've dabbled in a few
4 things. Studied Buddhism a bit. Studied Christianity a
5 bit, but --

6 MR. WAX: From your studies and from what you
7 know about yourself and the very little bits you've
8 heard about the case so far, are there any concerns that
9 you think we should have about your ability to be
10 objective? As I said, decide the questions who did
11 what, who meant what, who said what, who is responsible,
12 guilt by association, individual guilt? Those are the
13 questions you'll have to be focusing on.

14 MR. P|||||: Yeah. I'll be honest, if
15 there's -- if there is something referring to lesser
16 jihad, I will probably -- I will probably have a problem
17 with objectivity. Greater jihad, I can understand that.
18 But as distinguishing between the two, I don't have a
19 lot of experience with that.

20 MR. WAX: Okay. One of the questions that I
21 anticipate that all the jurors will have to deal with is
22 if you hear something about the -- about violent jihad,
23 whether or not that is something that Mr. Seda espoused
24 or other people, whether it's something he believed in
25 or other people, that requires the ability to maintain

1 objectivity and not get swept up in the feeling or the
2 emotion or the concern about what may be going on
3 generally in the world. That's the concern. And can
4 you speak to that, please.

5 MR. P|||||: Okay. We are responsible for our
6 own actions. We have no control over our associates.
7 Though generally our -- their actions can reflect upon
8 us. So I realize that's possibly helpful, possibly not.

9 MR. WAX: Let me --

10 THE COURT: Thank you, Mr. Wax. I'm going to,
11 without objection, at this time excuse Jurors H||||| and
12 Y|||||. Yes, Mr. Y|||||.

13 So could we have another juror for position
14 number seven and position number eight.

15 MR. WAX: Your Honor, I'm sorry, that was juror
16 number seven and who was the other one?

17 THE COURT: Number eight, J|||||, Y|||||.

18 MR. WAX: Thank you.

19 THE CLERK: D||||| W||||||||||,
20 W||||||||||||||||||||, excuse me, D|||||, W||||||||||;
21 Mr. W|||||||||, if you would please take seat number
22 seven.

23 E|||| L||||, L||||||||, E||||, L|||||. Mr. L|||||,
24 if you would please fill seat number eight.

25 THE COURT: Good. Mr. W|||||||||, you do know

1 someone in the courtroom, don't you?

2 MR. W/////////: I do.

3 THE COURT: And who is that?

4 MR. W/////////: Yourself.

5 THE COURT: All right.

6 MR. W/////////: We graduated from high school
7 together.

8 THE COURT: That's exactly right. The class of
9 1964 Myrtle Point Union High School. Have you heard
10 anything about this case or do you know any of these
11 other people?

12 MR. W/////////: I do not.

13 THE COURT: Can we hand him the list to talk
14 about, please. That page of -- yeah.

15 MR. W/////////: Thank you. My name is D////,
16 W/////////. I live in Coquille, Oregon. I have not
17 been a victim of a crime. Nobody close to me has been
18 charged. I am related to or friends of law enforcement.
19 Several customers of mine, I have a small furniture
20 store, which are customers, sheriffs, the city police,
21 et cetera.

22 Have I traveled internationally? Let's see
23 here, Canada, Mexico, Hong Kong, and Tahiti. I've just
24 had general bookkeeping. And I do use a professional
25 CPA. Strong -- no, I'm a Christian. And I have no

1 problems with other religions. No problems with IRS so
2 far. And I have been on a county for -- it was a
3 traffic violation. Things I do, I like old cars, and I
4 like to fish.

5 THE COURT: All right. We grew up about a
6 block from each other, didn't we?

7 MR. W////////: That's right.

8 THE COURT: All right. Sir, do you know any of
9 these people or have you heard of this case?

10 MR. L///: No, sir.

11 THE COURT: Go ahead.

12 MR. L///: My name is E///, L///. I live in
13 Bend, Oregon. I currently work for Nike, just as a
14 shipping and receiving associate. I've never been a
15 victim of a crime or anyone close -- well, my mom has
16 been a victim of identity theft, but she doesn't really
17 let me in that world too much. Never been charged with
18 a crime. Don't know anyone in law enforcement. I've
19 been to Mexico. And that's it as far as international
20 travel. I have very little experience in accounting and
21 bookkeeping, just my own.

22 I have no strong feelings towards any type of
23 religious practices or ethnicities. Never been audited
24 or have any IRS problems. I've been summonsed once to
25 Clackamas County as a juror but I was excused. And I'm

1 an outdoorsman, like playing basketball and drinking
2 beer.

3 THE COURT: All right. Well, I was looking at
4 some of the changes in those late night shows, and I
5 realize that I have been at this a while because when I
6 first started asking this question, Johnny Carson was
7 doing the Late Night Show. And he had this character
8 who put kind of this costume on, and it was the Great
9 Karnak, and he had answers before the questions were
10 asked.

11 Do any of you remember that schtick? Well,
12 I've pretty much finished my questions, but you've been
13 listening now patiently, I might add, for these hours,
14 and you might have come up with something hearing your
15 fellow jury panel members talk that you think maybe we
16 should know about. And if there is, now would be the
17 time to tell me about that. Anyone?

18 MR. M//: In mulling it over --

19 THE COURT: Excuse me, Mr. M//, let me get
20 a microphone to you. All right?

21 MR. M//: Is it on?

22 THE COURT: Yes.

23 MR. M//: Just thinking it over for a
24 little bit here, I do remember -- I don't think that it
25 should have any bearing in the case, unless something

1 came up for me, but my grandpa was put in jail for two
2 years for fraud or tax evasion, one or the other. Just
3 guess it's related slightly, something you should know.

4 THE COURT: Thank you. Do you remember much
5 about that?

6 MR. M//://: Well, I remember my family's
7 side of it.

8 THE COURT: Okay. Thank you. Do you think it
9 would affect your ability to be a juror here?

10 MR. M//://: I don't think it should unless
11 something -- I mean, I don't think so.

12 THE COURT: All right. Are there any
13 challenges for cause?

14 MR. CARDANI: No, Your Honor.

15 MR. WAX: Yes, Your Honor.

16 THE COURT: Go ahead.

17 MR. WAX: I would challenge Ms. B// for
18 cause.

19 THE COURT: Anyone else?

20 MR. WAX: Yes. I would challenge Mr. P//,

21 THE COURT: Thank you. Anyone else?

22 MR. WAX: Ms. P//, And Mr. M//. Let me
23 please consult with co-counsel, Your Honor.

24 (Discussion held off the record.)

25 MR. WAX: I'm not sure, Your Honor, if I said

1 Ms. D////////. I would challenge Ms. D//////// for cause as
2 well. Those would be the challenges for cause, Your
3 Honor.

4 THE COURT: Thank you. They are denied.

5 We'll take our peremptory challenges by ballot.

6 THE CLERK: Counsel, I'll be providing you with
7 a ballot.

8 MR. WAX: Your Honor, may we have a moment to
9 have a conversation among counsel and with Mr. Seda
10 before we start exercising them?

11 THE COURT: Yes, you may. I'm going to talk to
12 the jury just about preliminary matters while you do
13 that, but you can have the time. Go ahead.

14 MR. WAX: Thank you.

15 THE COURT: Members of the jury panel, what I'm
16 now going to do is give you some preliminary
17 instructions. Some of you are going to be the jury in
18 the case. And so I want to tell you something about
19 your duties as jurors. These are preliminary
20 instructions only. And I'll give you more detailed
21 instruction at the end of the trial. And those
22 instructions will control your deliberations.

23 Now, the attorneys are busy with something else
24 right now, but to me your time is very important, so I'm
25 not going to have you sit there cooling your heels, and

1 instead I can do this. And for those of you who will be
2 on the jury, you'll need to remember these things. And
3 if you are not, maybe you'll learn something, who knows.

4 Please don't take anything I say or do during
5 the trial as indicating what I think of the evidence or
6 what your verdict should be. If you see a smile or a
7 frown, I'll try to be poker faced, but probably it has
8 nothing to do with what's going on here. I have 400
9 other cases that I'll be doing a little bit of something
10 on the computer once in a while. I already know the
11 evidence that's going to come in, I've already ruled on
12 almost all of it before the trial. And so, you know, if
13 my wife has given in and got a new Lab puppy for me, for
14 example, I'll smile, it will have nothing to do with the
15 case. All right? She hasn't so far, by the way.

16 Now, I told you that this is a criminal case
17 brought by the United States government. Here, the
18 government charges the defendant with conspiring to
19 defraud the United States and filing a false tax return.

20 The charges against the defendant are contained
21 in a paper called the indictment. The indictment is
22 simply a description of the charges made by the
23 government against the defendant. It is not evidence of
24 anything.

25 In order to help you follow the evidence, I'll

1 give you a brief summary of the elements of the offenses
2 which the government must prove to obtain guilty
3 verdicts. And in order for the defendant to be found
4 guilty of conspiracy to defraud the United States, the
5 government must prove each of the following elements
6 beyond a reasonable doubt:

7 First, beginning in or about 1999, and ending
8 in October of 2001, there was an agreement between two
9 or more persons to defraud the United States by
10 impeding, comparing, obstructing, or defeating the
11 lawful functions of the United States Immigration and
12 Customs Enforcement and Customs and Border Protection of
13 the Department of Homeland Security, formally the United
14 States Customs Service, in the collection of information
15 concerning the transportation of currency and monetary
16 instruments leaving the United States, or the Internal
17 Revenue Service of the Treasury Department in the
18 collection of information concerning financial
19 transactions of tax exempt organizations through
20 deceitful or dishonest means as charged in the
21 indictment.

22 Second, the defendant became a member of the
23 conspiracy, knowing of at least one of its objects, and
24 intending to help accomplish it.

25 And third, one of the members of the conspiracy

1 performed at least one overt act during the conspiracy
2 for the purpose of carrying it out, with all of you
3 agreeing on a particular overt act that you find was
4 committed.

5 In order for the defendant to be found guilty
6 of filing a false tax return, the government must prove
7 each of the following elements beyond a reasonable
8 doubt:

9 First, the defendant made and signed a tax
10 return for the year 2000 that he knew contained false or
11 incorrect information as to a material matter.

12 Second, the return contained a written
13 declaration that it was being signed subject to the
14 penalties of perjury.

15 Third, in filing a false tax return, the
16 defendant acted willfully.

17 The defendant has pleaded not guilty to these
18 charges and is presumed innocent unless and until proved
19 guilty beyond a reasonable doubt.

20 The defendant has the right to remain silent
21 and never has to prove innocence or present any
22 evidence.

23 The evidence you are to consider in deciding
24 the facts consists of the sworn testimony of any
25 witness, the exhibits which are received into evidence,

1 and any facts to which all the lawyers stipulate.

2 The following things are not evidence and you
3 must not consider them as evidence in deciding the facts
4 of this case. They include statements and arguments of
5 the attorneys, questions and objections of the
6 attorneys, testimony that I instruct you to disregard,
7 and anything you may see or hear when the court is not
8 in session, even if what you see or hear is done or said
9 by one of the parties or by one of the witnesses.

10 Some evidence is admitted for a limited purpose
11 only. When I instruct you that an item of evidence has
12 been admitted for a limited purpose, you must consider
13 it only for a limited purpose.

14 Evidence may be direct or circumstantial.
15 Direct evidence is direct proof of a fact such as
16 testimony by a witness about what that witness
17 personally saw or heard or did.

18 Circumstantial evidence is indirect evidence.
19 That is, it is proof of one or more facts from which one
20 can find another fact. You are to consider both direct
21 and circumstantial evidence.

22 The law permits you to give equal weight to
23 both, but it is for you to decide how much weight to
24 give to any evidence. There are rules of evidence which
25 control what can be received into evidence. When a

1 lawyer asks a question or offers an exhibit into
2 evidence, and a lawyer on the other side thinks that it
3 is not permitted by the rules of evidence, that lawyer
4 may object. If I overrule the objection, the question
5 may be answered or the exhibit received. If I sustain
6 the objection, the question cannot be answered, and the
7 exhibit cannot be received.

8 Whenever I sustain an objection to a question,
9 you must ignore the question and not guess what the
10 answer would have been.

11 Sometimes I may order that evidence be stricken
12 from the record and that you disregard or ignore it.
13 That means that when you are deciding the case, you must
14 not consider that evidence which I told you to
15 disregard.

16 In deciding the facts of this case, you will
17 have to decide which witnesses to believe and which
18 witnesses not to believe. You may believe everything a
19 witness says or only part of it or none of it. In
20 considering the testimony of any witness, you may take
21 into account the opportunity and ability of the witness
22 to hear or see or know the things testified to, the
23 witness's memory, the witness's manner while testifying,
24 the witness's interest in the outcome of the case, and
25 any bias or prejudice, whether other evidence

1 contradicted the witness's testimony, the reasonableness
2 of the witness's testimony in light of all the evidence,
3 and any other factors that bear on believability.

4 The weight of the evidence as to a fact does
5 not necessarily depend on the number of witnesses who
6 testify.

7 Now, a few words about your conduct as jurors.
8 First, keep an open mind throughout the trial, and do
9 not decide your verdict until you and your fellow jurors
10 have entered into and completed your deliberations.

11 Second, because you must decide this case based
12 on the evidence and my instructions as to the law, you
13 must not be exposed to other information about the case
14 or to the issues it involves during the course of your
15 jury duty. Thus, until the end of the case or unless I
16 tell you otherwise, do not communicate with anyone in
17 any way, and do not let anyone else communicate with you
18 in any way about the merits of the case or anything to
19 do with it. This includes discussing the case in
20 person, in writing, by phone, or electronic means via
21 e-mail, text messaging or Internet chatroom, blog, Web
22 site, or whatever they call the rest of those things
23 these days. You fill in the rest.

24 Now, this includes your family members even,
25 your employer. You can, of course, tell them you are in

1 a criminal trial for a time that the judge will explode
2 if it goes more than two weeks, so I expect it will be
3 less, but, really, that's all until the case is over,
4 and then you can talk to people.

5 If you are approached by anyone, give a note to
6 our court clerk here, and that note will be given to me.
7 But don't talk to each other about it.

8 Do not read, watch, or listen to news or media
9 accounts or commentary about the case. Don't do your
10 own research, such as consulting dictionaries or
11 searching the Internet or using other reference
12 material. Don't make your own investigation in any
13 other way to learn about case.

14 Now, the law requires these restrictions to
15 ensure the parties have a fair trial based on the same
16 evidence, that each party has had an opportunity to
17 address.

18 A juror who violates these restrictions
19 jeopardizes the fairness of the proceedings.

20 At the end of the trial, you'll have to make
21 your decision based on what you recall of the evidence.
22 And you will not have a written transcript. So pay
23 close attention to the testimony as it's given. Now, if
24 you wish, you may take notes. But if you take notes,
25 keep them to yourselves, and don't let note taking

1 distract you from listening to the other answers. Leave
2 your notes in the jury room at the end of the day.
3 Whether or not you take notes, rely on your own memory.
4 Notes are to asset your memory. And don't be overly
5 influenced by someone else's notes.

6 We're going to take a break. And you say --
7 Mr. W////////// and I grew up in a farm community and a
8 timber community, and so we didn't always get lunch
9 right at 12:00, and neither do you. But -- and I've had
10 to sacrifice today, because I missed the first Duck Club
11 meeting, which that's important to me, but so be it.
12 But we're going to take a break so you can have some
13 lunch. And then when you come back, each side will make
14 an opening statement, and they are not evidence. They
15 are a prediction by the lawyers about what the evidence
16 is going to be.

17 The government will then present its evidence,
18 and the defendant may cross-examine. After that, the
19 defendant may present evidence, if wished, and the
20 government's counsel may cross-examine. After all the
21 evidence has been presented, I will instruct you on the
22 law. In fact, I'll give you written jury instructions.
23 I'll read them, but I'll give you them in writing so you
24 have your own copy to consult in deliberations. And the
25 parties will make their closing arguments. And after

1 that, you will retire to deliberate on your verdict.

2 How are we doing there? Are we still working?

3 Yeah.

4 (Pause in the proceedings while the peremptory
5 challenges are being done.)

6 MR. WAX: Your Honor, excuse me, with respect
7 to the challenges and the alternates, how are we
8 handling this? Are we choosing against the first 32 for
9 the 12 and then the remaining 4 are alternates?

10 THE COURT: No. They will be -- the lowest
11 remaining numbers will be the jury and the alternates.

12 MR. WAX: How many alternates are you planning
13 on seating?

14 THE COURT: Four.

15 MR. WAX: Four.

16 MR. MATASAR: Just a minute, Your Honor.

17 (Discussion held off the record.)

18 THE CLERK: The jury panel on the cause now
19 before the court is E///, W///, M|||||, K|||||||, K|||||||.
20 W|||||, W|||||, V|||||||, E///, L|||||, A|||||, B|||||||, T|||||||,
21 O|||||||, P|||||||, D|||||||, A|||||||, H|||||||, G|||||||, R|||||||,
22 G|||||||, K|||||||, S|||||, E|||||||, K//, J|||||||, C|||||||,
23 P|||||||, J|||||, M|||||||, D|||||||, M|||||||;

24 Jurors, if I did not call your name, if you
25 could please stand and have a seat in the back of the

1 courtroom.

2 THE COURT: Thank you. You shouldn't leave
3 yet. Just wait a few moments, please. All right.

4 THE CLERK: I'm going to reseat the jury for
5 your seats for the rest of the trial.

6 Ms. W///, take seat number one. Ms. K////////,
7 you will be seat number two. Ms. W///, you'll be seat
8 number three. Ms. V////////, seat number four.
9 Mr. L////, you'll be seat number five. Mr. B////////,
10 seat number six. Ms. O////////, seat number seven.
11 Ms. D////////, seat number eight.

12 Ms. H////, I'll have you in seat number nine,
13 which will be the first seat in the back row.
14 Mr. R////, I will have you in seat number ten. I'm
15 shuffling everybody, I'm sorry about this.

16 Ms. K////////, seat number 11. Mr. E////////, seat
17 number 12. Ms. J////////, seat number 13. Ms. P////////,
18 the next seat, please. And Mr. M////////. And
19 Ms. M////////.

20 THE COURT: Counsel, are you satisfied with the
21 jury?

22 MR. CARDANI: Yes, Your Honor.

23 MR. WAX: With the exception of the previous
24 challenges that were denied, we are prepared to proceed.

25 THE COURT: Swear the jury, please.

1 THE CLERK: If I can have each of you please
2 stand and raise your right hand.

3 (Jury sworn.)

4 THE COURT: Members of the jury, at this time
5 you are going to get a break, and it's 20 after 1:00,
6 I'm sorry. I'd like to see you back in the jury room at
7 a quarter after 2:00. And right now, our clerk will
8 show you your new home for the next while. And if you
9 need anything during this time on the jury, you just
10 find -- just get a note to me and we'll take care of
11 you. All right.

12 I'm staying here for a few minutes. I need to
13 talk to the lawyers for a moment. The jurors in the
14 back of the courtroom may leave if you wish. Please do
15 so quietly, because I have some work to do here.

16 (Jury exits the courtroom at 1:18 p.m.)

17 THE COURT: Counsel, how long do you request
18 for opening statements?

19 MR. CARDANI: One hour ten minutes.

20 MR. MATASAR: That's about right, Your Honor.
21 I can't say exactly, but I think that's about right.

22 THE COURT: All right. There was -- have a
23 seat for a second. I have an e-mail chain that I've
24 been given this morning that had an e-mail from
25 Ms. Sweet in it in which the language was found that

1 "after the hearing, the government and Mr. Baker were
2 going over the court's copy of the government's
3 spreadsheet. And during this time, some discussion of
4 particular exhibits may have taken place." I want to
5 assure counsel, there was nothing on the merits or
6 substance in that regard. It caused concern for court
7 staff. If you have anything like that, then tell me
8 about it, and I'll straighten it out now.

9 MR. MATASAR: Your Honor, we have no concern at
10 all of the court staff. We've been treated well
11 throughout the trial. And there is just no issue
12 whatsoever.

13 THE COURT: Thank you. The other thing is that
14 counsel and the representatives are restricted from
15 speaking to the press about this case during the
16 duration of the trial. That's a complete silence.
17 Thank you.

18 MR. MATASAR: Can I ask one thing, Your Honor,
19 as far as the break?

20 THE COURT: Yes.

21 MR. MATASAR: I could start now. I don't need
22 a break now, but I would like a few minutes to make sure
23 everything is working --

24 THE COURT: I remember that.

25 MR. MATASAR: -- between Mr. Cardani and I. So

1 we have to move some equipment because of some infrared
2 remote issues, so as long as we get a few minutes, that
3 would be good.

4 THE COURT: I know you need that. You'll get
5 it. Just a second.

6 (Discussion held off the record.)

7 THE COURT: We're in recess.

8 MR. WAX: Your Honor, we do need the swearing
9 in at some point.

10 THE COURT: I know that. He's not doing the
11 opening?

12 MR. WAX: Right, correct.

13 THE COURT: So I don't need to get to that.
14 That was Mr. Baker just saying the same thing. There
15 are a number of lawyers in the room, you'll keep me on
16 task. If I don't do it, it's still okay.

17 (Lunch recess at 1:21 p.m.)

18 (Further proceedings were had by Reporter Jan
19 Duiven and are bound under separate cover.)

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1 CERTIFICATE

2 I, Deborah Wilhelm, Certified Shorthand Reporter
3 for the State of Oregon, do hereby certify that I was
4 present at and reported in machine shorthand the oral
5 proceedings had in the above-entitled matter. I hereby
6 certify that the foregoing is a true and correct copy of
7 the transcript originally filed with the Clerk of Court
8 on the 9th day of September, 2011, and incorporating
9 redactions of personal identifiers requested by the
10 following attorneys of record: Steven T. Wax, in
11 accordance with Judicial Conference policy. Redacted
12 characters appear as an "/" in the transcript.

13
14
15
16 /s/ Deborah Wilhelm
17

18 Deborah Wilhelm, RPR
19 Certified Shorthand Reporter
20 Certificate No. 00-0363
21
22
23
24
25